

Thirty-First Annual Report
of the
Commissioners
of the
State Reservation at Niagara
Oct. 1, 1913 - Sept. 30, 1914

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NIAGARA FALLS IN WINTER

THIRTY-FIRST ANNUAL REPORT

OF THE

Commissioners

OF THE

State Reservation at Niagara

FROM

October 1, 1913, to September 30, 1914

TRANSMITTED TO THE LEGISLATURE FEBRUARY 4, 1915.

ALBANY
J. B. LYON COMPANY, PRINTERS
1915

COMMISSIONERS

WILIAM B. HOWLAND, *President*, New York

THOMAS W. MEACHEM.....	Syracuse
OLIVER CABANA, JR.....	Buffalo
ANDREW CUNEO	New York
GEORGE J. MEYER.....	Buffalo

Secretary

HARRY K. ECKERT.....	Niagara Falls
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Treasurer

CLARENCE H. ATWOOD.....	Niagara Falls
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Superintendent

HARRY K. ECKERT.....	Niagara Falls
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THE HISTORY OF THE

REPUBLIC OF THE UNITED STATES

OF AMERICA

FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME

BY

JOHN F. JOHNSON

NEW YORK: PUBLISHED BY J. JOHNSON, 15 NASSAU ST. 1854.

STATE OF NEW YORK

No. 35

IN ASSEMBLY

FEBRUARY 4, 1915.

THIRTY-FIRST ANNUAL REPORT

OF THE

COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA.

NIAGARA FALLS, N. Y., *February 21, 1915*

To the Honorable Speaker of the Assembly, Albany, N. Y.:

SIR.—I herewith transmit, for presentation to the Legislature of the State of New York, the Thirty-first Annual Report of the Commissioners of the State Reservation at Niagara for the fiscal year ended September 30, 1914.

Yours respectfully,

WILLIAM B. HOWLAND,

President.

1892

IN ASSEMBLY

January 1, 1892

THIRTY-FIRST ANNUAL REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE
AT ALBANY

ALBANY: J. B. LEECH, 1892.

The Commission of the Land Office has the honor to acknowledge the receipt of the report of the Surveyor-General, and to transmit herewith the same to the Legislature. The report contains a full and complete statement of the land office, and of the progress of the survey of the land, and of the other business of the office during the year.

J. B. LEECH, Secretary.

ALBANY: J. B. LEECH, 1892.

1892

1892



MEDIATION ISLAND



ICE SCENERY NEAR HORSESHOE FALL

REPORT.

To the Honorable the Legislature of the State of New York:

The Commissioners of the State Reservation at Niagara have the honor to submit herewith their annual report for the fiscal year ending September 30, 1914, as required by law.

INTRODUCTORY

More than a million and a quarter persons visit the Falls of Niagara annually. They come from every corner of the globe to view "one of the most wondrous, beautiful and stupendous scenes which the forces of nature have ever constructed," to borrow the words of Lord Dufferin, uttered more than thirty years ago, but as true to-day as they were then. These people come to view the wonderful downpouring of waters which constitute the grandeur of Niagara. This fact is eloquent in its simplicity. That its appeal to the human soul entices more than a million people to its vista every year is a powerful justification of all the labor and sacrifice that are embodied in the State Reservation at Niagara as it is to-day, and the movement which culminated in the preservation of this magnificent spectacle to posterity.

THE YEAR'S PROGRESS

The progress along the lines of general efficiency on the Reservation during the preceding fiscal year has been continued during the fiscal year just ended. The improvement and care of the roads and walks has been an important feature of the year's work — almost all of the chief roads having been resurfaced. The reconstruction of the Green and Goat Island bridges was completed in December and the work accepted for the State by Supervising Engineer W. H. Yates. New Lamp standards were erected on the buttresses of these bridges to the manifest improvement of their general appearance. A considerable amount of damage was done to the wall at the eastern end of the Loop Pond during the winter, which necessitated taking it down and rebuilding. For the pur-

pose of allowing the employees on the Reservation to properly attend to the grass, trees and shrubs on Mediation Island,* it was found necessary to build a lift-bridge from the Mainland to the Island. The attractiveness of the Loop has been greatly increased and it promises soon to be one of the popular places on the Reservation. By the institution of a new system, the lighting of the Park and Riverway has been immensely enhanced — so marked was the improvement that similar lighting has been established on the Outer Drive at the Loop and ten new lamps will soon be erected on Green Island. Plans and specifications for the new Labor Center on Goat Island were received and advertisements issued for bids — to be opened October 15, 1914.

PERSONNEL OF THE COMMISSION

The State Senate failing to confirm Governor Sulzer's nominations for the vacancies on the Commission which should have been in evidence under normal circumstances in June, 1913, the four retiring Commissioners, namely, Charles M. Dow, Eugene Cary, Thomas P. Kingsford, and William B. Howland, held over until Governor Glynn appointed the new Commissioners.

On March 27, 1914, the State Senate confirmed the appointment by Governor Glynn of Commissioner Howland to succeed himself, and Oliver Cabana, Jr., of Buffalo; George J. Meyer, of Buffalo, and Andrew Cuno, of New York, to succeed Commissioners Dow, Cary and Kingsford.

The reorganization meeting was held on April 21st. On account of illness Commissioner Howland was not present at this meeting, but, in his absence, he was unanimously elected as President of the Commission.

RETIREMENT OF MR. DOW

At the meeting of the Commission on May 23, 1914, the following resolution was adopted:

“The Commissioners of the State Reservation at Niagara desire to place on record at this time, their hearty appreciation of the high service which has been rendered by the Hon. Charles M. Dow dur-

* Note.—Mediation Island is located at the northern extremity of Loop Pond, so named in honor and commemoration of the visit of the Mexican Mediators.

ing the sixteen years of his membership in this Commission. For two full terms he has been President, and in that capacity has been largely responsible for the development in efficiency, natural beauty and service to the great public which has been accomplished during that period. Mr. Dow will always be associated most happily with the history of this Reservation."

Mr. Dow's service to the people of the Empire State, and of the civilized world, as a member of the Commission for a number of years, is inestimable in its value. A man of culture and rare taste, with a genuine love of the beautiful in nature, Mr. Dow gave unspairingly of his time and talents for the preservation of the scenic beauty of the Falls and Park, and for the preservation of natural conditions surrounding the Falls and along the rapids and gorge.

DOW VIEW

At its last meeting in September, 1913, as an honor to its retiring President, the Hon. Charles M. Dow, the retiring Commission unanimously agreed to create a very attractive addition to the Reservation to be known as Dow View. Work was completed on this project in June of the present year. Dow View is situated at the northwestern corner of the Reservation. The high knoll which stood at the point, overlooking the United States Custom House on the North, has been leveled down three feet, graded and seeded, while in the rear of the Custom House a terrace has been graded and planted with shrubs and grass. Dow View commands the best view of the Rapids below the Falls as seen from the Reservation. A part of this newly-developed viewpoint is excavated from the river side of the embankment. It is about thirty-six feet along the face of the cliff, about twelve feet wide and sunk about twelve feet below the level of the park surface. Leading down into it is a flight of rustic stone steps on the westerly end, with a railing on the river side, which extends also around the outside of the entire excavated space. The rear and sides are adorned with a rustic wall of large field stone, twelve feet high. Underneath the earth floor and partly supporting it is a substantial stone wall, eight feet thick on top. At the foot and the top of the walls, which are built into the embankment, vines have been planted which will in a year or two cover the face of the stone and complete its natural beauty.

HISTORY OF THE STATE RESERVATION

No more valuable contribution to the bibliography of Niagara Falls, especially the State Reservation, has been made in a long time than the volume "The State Reservation at Niagara: A History," by Hon. Charles M. Dow. In "A Word of Introduction" to this volume Commissioner William B. Howland, now President of the Commissioners, says:

The history of the State Reservation at Niagara is recited in these pages by a man who has for fifteen years given his great ability, much of his time, and his extended influence to the work of opening to the whole world under agreeable conditions and without sordid influence of commercialism, the stupendous natural wonder of Niagara Falls. The author has been for a decade the President of the Commissioners of the State Reservation at Niagara, and he was intimately associated with the movement to create and beautify the Park from its inception. No other man is more completely informed as to the gradual, and at times most discouraging, progress of the work which has resulted in the beautiful and admirably administered Park which exists at Niagara Falls to-day, and it was in accordance with the earnest desires of his fellow Commissioners that he has undertaken and completed the record which is contained in this volume. For this, as for a vast amount of other voluntary service to the people, extending through many years, Mr. Dow finds his reward in the consciousness of service and in the grateful appreciation of those who have the honor of his acquaintance and friendship. Among these, with the other members of the Niagara Commission, I am most glad to be numbered.

Out of the fullness of his knowledge Mr. Dow has provided a painstaking, thorough and complete compilation of the facts concerning the Reservation. In his concluding chapter Mr. Dow says:

Though the past has contributed much, it must not be supposed that the good work is completed. It is true, the principle of the public preservation of scenic beauty has been permanently established, public opinion has been quickened and elevated, and many permanent improvements of a more material character achieved; but there is, nevertheless, a great deal still to do. On the Reservation itself the work of preservation and maintenance must always go on while beyond the Reservation there is still a large field for endeavor. Only when the last untidy factory site has been harmonized with its natural setting, and every power interest has been brought to restrain itself that Niagara may be preserved, when the "Reservation idea" has been extended to include all the beauties of the Niagara River, will the work even approach completion.

It is, of course, vain to forecast the future and we shall not attempt it. It is sufficient for our purpose to point out hopeful beginnings which have been made. Preservation of the Falls is assured to the extent of the provision made by the treaty with Great Britain. The work of restoring the disfiguring sites held by the manufacturing interests along the river has also been begun.

All plans for further action are interesting chiefly for the eloquent testimony which they bear to the virility of the Niagara preservation idea which was first effectively voiced thirty years ago in the establishment of the State Reservation at Niagara. In the persistence of the idea rather than in any particular scheme, State or National, lies the hope of the future. The State Reservation at Niagara Falls will have amply justified its continued existence and total cost, in whatever terms that cost may be measured, if it contributes ever so slightly to keep alive this Niagara sentiment, and serves as an exemplar of what distinterested and efficient public service and consistent and unselfish devotion to an ideal can bring to pass.

THE MEDIATION CONFERENCE

The most outstanding international event associated with Niagara Falls during the year 1914 was the Mediation Conference of the representatives of the so-called A B C powers of South America — Argentine, Brazil and Chile — in the conflict between the United States and Mexico, beginning with the occupation of Vera Cruz. The proceeding was purely international in character, and did not embrace the settlement of the domestic questions which continue to produce disturbances in our southern neighbor. It resulted, however, in the relief of the strained situation between the United States and Mexico, and set a precedent which must have a pronounced effect upon the attitude of the mediating powers toward the United States, for not only did it recognize the equality of those powers with the great republic of the North, but it impliedly admitted that differences which gravely menace the relations of individual American States are matters of concern to all the American nations.

The representatives of the countries interested were as follows:

The Mediators: His Excellency Senor D. da Gama, Ambassador of Brazil; Senor Romulo S. Naon, Minister of Argentine; Senor Don Eduardo Saurez M., Minister of Chile.

The American Envoys: Justice Joseph Rucker Lamar, and Hon. Frederick W. Lehmann.

The Mexican Envoys: Licenciado Emilio Rabasa, Licenciada Augustin Rodriguez, Licenciado Luis Elguero, and Licenciado Rafael Elguero.

The conferences were held in the Clifton House on the Canadian side of the river.

On May 21, by appointment made by the Secretary of State, President William B. Howland and Commissioners Thomas W. Meachem, George J. Meyer, and Oliver Cabana, Jr., together with the Hon. Charles M. Dow, former President of the Commission, and the Hon. Alexander J. Porter, former member of the Commission, called upon the Mediators and delegates from the United States and Mexico and paid their formal respects to the distinguished visitors. In the afternoon the A B C Mediators, delegates of the two contending countries and the Canadian representatives came over the bridge and returned the courtesy by paying their respects to the members of the Commission. The reception was followed by an informal luncheon in the Administration Building in Prospect Park.

Subsequently the Commissioners entertained the guests with a trip on the Maid of the Mist, and an automobile tour of the Reservation.

At a later meeting of the Commissioners, on motion of Commissioner Meachem, the island at the northern end of Loop Pond was named Mediation Island, in honor of and to commemorate, the visit of the Mediators.

GOAT ISLAND AND GREEN ISLAND

The work of rebuilding the Goat Island and Green Island bridges was completed on December 19, 1914. Drake and Dean, of Buffalo, did the work, which cost the State \$29,000. The arches are the only part of the old bridges that remain. The underlying walls which support the superstructure of these bridges was made sound and stable at a cost of \$5,000 by the installation of new relieving walls, to which the spandrel walls have been attached. In the superstructure new parapet railings of appropriate design and new sidewalks in keeping with the general architectural plan, have replaced the old. These parapet railings are of fine granite concrete construction, in roughed design in a subdued shade of pink which, with the new sidewalks in a corresponding shade of

red tile, blend in harmony with the natural colors of the trees, plants and shrubbery. The lighting of the bridges is of the cluster type, seven electric globes surmounting each of the eight buttresses.

During the month of February the ice jam above Goat Island caused the American Rapids to freeze between the small islands and Goat and Green Islands. Advantage was taken of this fact by Superintendent Eckert to have all the islands cleaned of dead trees, underbrush and choking vines. Birch and white cedar trees have subsequently been planted on these islands, creating a distinct improvement.

The old system of the use of drinking cups at the spring on Goat Island was unsanitary and it has been replaced by the instalment of a small force pump with bubbler drinking attachment. This new drinking fountain is giving very satisfactory service.

By the introduction of a new 2½-inch hydrant for the use of a large sprinkler, it is hoped and anticipated that Green Island may be sprinkled during the driest months of the season in such fashion as to keep it in perfect condition.

LABOR CENTER

At a meeting of the Commission held on July 24, 1914, the plans and specifications for a new Labor Center, submitted by the State Architect, were approved and accepted, and it was agreed to advertise for bids. The Labor Center will be erected on Goat Island and will consist of a stone building, with rubble foundations, and stone, rubble and brick walls, timber and concrete floors, timber roof construction, with shingle roof.

PEACE MEMORIAL BRIDGE

Mr. John A. Stewart, chairman of the Executive Committee of the American Peace Centenary Committee; Mayor Laughlin of Niagara Falls; Mr. E. T. Williams, Industrial Agent; Mr. George F. Nye and Mr. Joseph E. Montague, constituted a committee that appeared before the House Foreign Affairs Committee in Washington on December 12, 1913, to suggest the building of a monumental bridge across the Niagara River as a permanent memorial to the Centenary of Peace. The suggestion was first made by Mr. William B. Howland and subsequently in an eloquent address by Hon. Mackenzie King at the Lake Mohonk Conference in 1910.

The Commission heartily endorsed the idea, and from many sources it has become evident that a bridge would be almost universally endorsed as the best possible symbol of the harmonious relations between the two countries.

EPIDEMIC OF SMALLPOX

An epidemic of smallpox broke out in Niagara Falls, New York, in the winter, and although the State authorities did not order the action, the Prospect Park Elevator was temporarily closed down, because of the fact that it is used by very many Niagara Falls people on Sundays, and the possibilities of thus spreading the disease were considered large. This resulted in a marked decrease in revenue from the Elevator. In conformance with an order of the State authorities all the employees on the Reservation were vaccinated as a precaution against the spread of the disease. The Elevator service was resumed on March 15th.

WATER DIVERSION FROM THE NIAGARA RIVER

STATE COMMITTEE ON WATER RIGHTS

On April 16, 1913, Mr. Wagner introduced in the State Senate, and had duly considered by the Judiciary Committee, Senate Bill No. 2405, entitled "An act to limit the diversion within the State of New York of the waters of the Niagara River above the Falls of Niagara for power purposes, and to define the volume which may be so diverted at certain points and to forbid diversions in certain cases and to prevent unlawful diversion and structures and making provision for the enforcement of this act."

The following resolution was passed in the Senate, and subsequently confirmed in the Assembly:

WHEREAS, It appears that the subject matter of said bill is of such importance as to deserve careful and thorough investigation; that it is a matter which the Congress of the United States now has under consideration, and it appearing that the Congress desires affirmative action on the part of the State of New York with reference to such water rights, and it being desirable that there should be an investigation into the matters pertaining to the rights of the State and all parties in and to the water and power now in use in said river; therefore, be it



DOW VIEW



NEWLY CONSTRUCTED PATH ALONG RIVERBANK FROM WILLOW ISLAND TO FOURTH STREET, RIVERWAY

Resolved (if the Assembly concur), That there be appointed by the President of the Senate a committee consisting of three Senators and five Assemblymen, with full power to investigate the diversion of the waters of Niagara River for power purposes and the operation, management and development of power sights on said river. Also the rights and privileges of any and all persons or corporations authorized to use or divert the waters of Niagara River for power purposes and the methods, operation and control of the water power sights on said river; and all things incident to the water power development on said river. Said committee is authorized to appear before the Congress of the United States or any committee thereof or department of the Federal Government with reference to the water rights of Niagara River. That the said committee herein provided for shall have full power to sit at any place or places within the State, to subpoena any and all persons for the purpose of giving testimony, to compel the production of books and papers, to administer oaths, to punish summarily any person or persons failing to obey its summons, subpoena or order; to employ counsel, examiners, stenographers and the other necessary assistants as in its judgment are required, and to have all the powers usual and incident to legislative committees, including the adoption of rules for the conduct of its proceedings.

Further Resolved, That said committee shall conclude its investigation in time to report to the Senate on or before the first Tuesday of January, 1914, so that proper legislation may be enacted concerning the water power development of Niagara River.

Further Resolved, That the printing necessary for the work of said committee be done by the public printer at the expense of the State, and that the actual and necessary expenses of the committee in carrying the provisions of this resolution, not exceeding the sum of ten thousand dollars (\$10,000) be paid from the moneys appropriated for the contingent expenses of the Legislature by the Treasurer, on the warrant of the Comptroller, and the certificate of the chairman of the committee.

I hereby certify that the above is a correct copy of a resolution adopted by the Legislature May 3, 1913, and the following committee was appointed: Senators Velte, Malone and Thompson; Assemblymen McKeon, Joseph Kelly, Small, Schwartz, and Brereton.

(Signed) PATRICK E. McCABE,
Clerk of Senate.

On December 16 and 17 the Committee visited Niagara. On their way they stopped off at the abandoned Love Power Canal excavation near La Salle and made a short inspection. The power plants examined in Niagara Falls were: Niagara Falls Power

Company, in Buffalo avenue; the Carborundum Company, and the Hydraulic Power Company. On the Canadian side of the river, the Ontario Power Company, the Toronto-Niagara Power Company and the Canadian Power Company were inspected.

The Committee-subsequently convened in Buffalo on January 13th for a series of hearings, and interrogated representatives of the Power Companies.

On January 18th, Governor Glynn, in a message to the House Committee on Foreign Affairs at Washington, said in part:

I assure you that my fondest hope as Governor of the State of New York is to inaugurate a State-wide policy for the utilization of all available water power of the State for the benefit of the whole people. And I confidently believe the present temper of the Senate and the Assembly of this State will enable me to make this policy the perpetual policy of the Empire State. I believe, and in my opinion the present leaders of the Senate and Assembly believe, that the time is past when private individuals will be given the right or the privilege to utilize the waters of the State for personal gain. I know that the sentiment of the electorate of the State is for the public use of public property for public benefit, and this sentiment will undoubtedly be unalterably written.

* * * The people of the State of New York need this power for their own use; and you can, therefore, see how important it is that the State of New York should control the use of the same. In any legislation proposed by your committee, I hope you will see to it that the rights of the State of New York are recognized.

On February 9th, Governor Glynn appeared before the House Committee on Foreign Affairs and repeated his position.

In his annual report to the Legislature February 11, 1914, Attorney-General Carmody emphasized the right of the State of New York to control the diversion of water from Niagara Falls.

REPORT OF THE JOINT LEGISLATIVE COMMITTEE

On March 13, 1914, the Joint Committee appointed to investigate the diversion of the waters of Niagara River for power purposes submitted its report.

This Committee "inspected and examined all available reports, records and documents relating to the subject-matter." The Committee twice appeared before the Congress of the United States, and on one of the occasions it was supported in its urgings by the personal appearance of the Governor, the Attorney-General and the

Chairman of the Conservation Commission. It also held hearings in Buffalo, believing that "the pulse of the people could be best felt by holding these public hearings in the district where the question is most vital." On these occasions it had before it, by subpoena, parties who might not otherwise have appeared, by invitation, representatives of commercial associations, business interests and private citizens. It also inspected the properties of companies which generate, transmit and distribute the product of the use of the waters of the Niagara River.

The Committee made the following recommendations:

1. Your committee feels that a State-wide hydro-electric development by the State itself would be a long step forward in the march of events hydro-electrical and would best satisfy the demands and fit the needs of the people of the Empire State, and from diligent and painstaking inquiry and delving into the questions from an engineering, legal and practical business viewpoint, there would appear to be no meritorious grounds for objection to this plan. It of course realizes that there are in the State those who, for reasons of personal gain, and others, who have not yet learned of the advantages which will accrue to them under a State-fostered hydro-electric development, are not in accord with the conclusions of this committee, but it feels that the great mass of the people have come to the realization that the State's greatest means for cheaper heat, light and power lies in the development of its water resources by the State itself. In view of the fact that it believes the feelings of the people have been crystallized into a desire that the State undertake water power development, your Committee submits that it is to no avail for it to consider any new plans or schemes which are being urged by private interests. The people of the State have long enough endured in enforced silence the excesses of private power companies, and will welcome the passage of a bill which is assured of the signature of the Governor, which contemplates State-wide development by the State itself of a tremendous waste energy; which empowers the Conservation Commission to acquire land and water privileges and water rights, to construct transmission lines for the purpose of delivering electrical energy to various municipalities throughout the State (these municipalities being authorized to enter into contract with the Commission for the use of power so transmitted, the maximum cost to the ultimate consumer being fixed by the Conservation Commission), and further provides that each municipality pay its proportionate share of the cost of production and transmission including a charge for interest, upkeep, maintenance and operation, with an amount sufficient to amortize the investment in from thirty to fifty years, and no municipality to

pay taxes on anything but its actual municipal uses of light and power. Such a bill is Senate Bill No. 248 introduced by the chairman of this Committee and which is a duplicate of the Bayne Bill which received the approval of the Senate in 1912. Besides recommending the passage of this bill which will be the first step in the progress of the State-wide hydro-electrical development by the State itself, and under the provisions of which the waters of the Niagara River will be developed by the State for the benefit of the people.

Your Committee further recommends: 2. That the acts under which the privilege of diversion for hydraulic power is claimed by Niagara County Irrigation and Water Supply Company, Niagara Power and Development Company (formerly The Model Town Company), Lower Niagara River Power and Water Supply Company and Niagara, Lockport and Ontario Power Company (as to so much thereof as is claimed permits the diversion of water), Niagara Water Works Company, Lewiston Water Works Company, Niagara River Transit Company and Niagara River Tunnel Company be repealed.

3. That the diversion of water by the Hydraulic Race Company which is now made, be stopped.

4. That without the confirmation of any right or permission or authorization or powers claimed under any relation with the State by grant or otherwise, an agreement be made by the Hydraulic Power Company of Niagara Falls as to the amount of water that they may divert and in lieu thereof, legislation be had to that effect.

5. That the Public Service Commission Act be so changed as to bring within its province companies generating and developing mechanical power and electrical energy.

6. That a joint resolution of the Legislature be passed continuing the Committee or appointing a new Committee to continue the advocacy and protection of the rights of the State of New York in whatever may be done by the United States Government in view of the fact that the United States Congress has not yet crystallized its thought on this subject into a decision on the bills pending before it, and in view of the further fact that the interests of the State of New York should be carefully watched over and diligently urged from the present until a new treaty shall have been entered into between the United States and Great Britain since we are so quickly approaching that time, and we must see to it that nothing be done by the Federal Government which will hinder or hamper the State of New York in its solution of this economic problem, the development of its water power; and for the further reason that until the United States Government determines its course, the State of New York does not know what is

necessary to be done, especially directly in regard to the companies now diverting, for on what the Federal authorities do or omit to do as to these companies, must depend the future action of the Empire State.

7. That for this reason your Committee is at this time non-committal as to recommendations on the question of general legislation directly affecting the companies now diverting the Niagara River water, and your Committee further state that although besides the reasons for appealing the acts under which the Niagara Falls Power Company claims the right to diver waters, in the case of the Hydraulic Power Company of Niagara Falls, there is the additional reason that the grant is indefinite and too extensive and there is the similar reason as existed for the repeal of the Long Sault Charter, and the repeal of the acts under which the right to divert water is claimed by the Niagara Falls Power Company and the Hydraulic Power Company of Niagara Falls, is not recommended, not because we do not believe these acts are repealable, but because we believe it fair to further consider in view of what they have done and invested.

HENRY P. VELTE, *Chairman*,
JOSEPH D. KELLY,
H. E. H. BRERETON,
JOHN J. McKEON,
C. FRED SCHWARZ,
GEORGE F. SMALL.

Albany, March 9, 1914.

MINORITY REPORT

The Minority Report of the Joint Committee transmitted to the Senate March 13th, recommended:

Immediate legislation repealing all previous acts granted by the State for the diversion of water from Niagara River by companies which have not up to the present time diverted any water for that purpose.

Immediate legislation restricting the power of the Commissioners of the Reservation, at Niagara Falls, so that in the future they will have no power whatever to grant any rights to any power company.*

Immediate legislation authorizing investigation, together with plans and specifications, of the cost of installing a power generating plant to be owned by the State on lands of the State, together with a prospectus showing the amount of cost of generation of

* The Commission has not now, and never had, such power.

power in such a plant; the amount of power to be generated therein and the amount for which it can be sold and the extent of the market therefore.

Immediate legislation fixing the policy of the State that no more water shall be permitted by the State to be diverted from said Niagara River, except upon a maximum rental charge to be paid to the State, for the shortest possible term of lease consistent with ordinary commercial availability and at its highest value for power purposes, within the range of the actual cost of generation and the price permitted by the Public Service Commission to the ultimate consumer.

Immediate legislation giving the Public Service Commission of the State power to regulate prices charged for the generation of power. * * *

Immediate legislation preserving to the Legislature the right to permit future generation of power by the State and future transmission of power by the State. * * *

It also recommended that this Committee be continued, or a new Committee be appointed, to further investigate the subject in relation to the generation, transmission and distribution of water power. * * *

This report was signed by Senator George F. Thompson.

AN ADDITIONAL REPORT

Senator Thompson, of the Joint Committee, in an Additional Report, disagreed with the recommendations of the majority report on the following grounds:

First. The undersigned disagrees with the first recommendation on the ground that sufficient inquiry has not been had to justify the recommendation and on the further ground that the State cannot properly serve the whole taxpaying public, using their money, paid in the form of taxes for the purpose of creating electrical energy and selling the same at cost for the benefit of only a portion of the taxpayers, to wit: the users of electrical power.

The undersigned agrees with the second recommendation in so far as it contemplates the withdrawal by the State and the annulment of any private grant of water rights in Niagara River to any private company which has not up to date taken any such water or developed the same.

* * * The undersigned disagrees with the reasons stated in the sixth recommendation of the Committee as to why the Legislature should continue the Committee or appoint a new Committee to continue this subject, but the undersigned believes that the present Committee, on account of the lack of time has not had

sufficient information on the subject to fairly report the same and believes the subject is of great importance to the State of New York, suggesting that the Committee be continued or a new Committee appointed, consisting solely of members of the Legislature, to investigate the subject not only of power developed from the water of Niagara River, but the water powers of the entire State, and also authorizing the Committee to represent the State of New York before Congress or any committee thereof, for the purpose of suggesting legislation by Congress consistent with the attitude of the State of New York on this subject.

GEORGE F. THOMPSON.

A MESSAGE FROM THE GOVERNOR

In a Message to the Senate on the Conservation of the Natural Resources of the State, transmitted March 5, 1914, the Governor said concerning the waters of Niagara:

Every day that the waters of New York are permitted to escape without paying their toll in electrical power represents a distinct and measurable loss to the citizens of the State. Failure to take advantage of our natural water power is the worst sort of extravagance because it is unintelligent. * * * Including the boundary waters of Niagara, existing plants now develop 1,000,000 horsepower. This power has been handed over to private corporations without making provision for adequate compensation to the State. This is not the sort of conservation that the citizens of New York demand. Conservation to enrich private individuals is no conservation at all. But in addition to the 1,000,000 horsepower, unwisely handed over to private ownership, and which the State should endeavor to recover, New York still possess waters capable of developing 1,500,000 horsepower.

Before private capital can step in and seize this latent power the State should act for the benefit of its citizens. Every hydraulic horsepower used represents a yearly saving of ten tons of coal. The development of 1,500,000 horsepower which now lies fallow, would save 15,000,000 tons of coal annually. At the average price of fuel to-day, this means an average saving in fuel expense of not less than \$50,000,000. Until twenty years ago our water power could be used only where nature placed it. To-day power from a single source can reach a marketing area of not less than 150,000 square miles. One and a half million of our people along the Erie Canal are consuming electricity generated by the Canadian Niagara Falls. Oswego uses electricity from Niagara carried over 200 miles of wire. Water power formerly as stationery as the pyramids is now as mobile as the lighting.

The State should harness its waters before it is too late. It should provide the means to turn waste power into electricity and should enable its citizens to secure this electricity at the lowest possible cost. Both these ends, I believe, may be attained through the hydro-electric bills now pending in the Legislature.

IN THE UNITED STATES CONGRESS

Mr. Smith of New York, on May 14, 1914, introduced a bill "For the control and regulation of the waters of the Niagara River in the State of New York, for the preservation of Niagara Falls, and for other purposes." The bill was referred to the Committee on Foreign Affairs.

The provisions of the Bill were as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the diversion of water from Niagara River above the Falls of Niagara, in the State of New York, is hereby prohibited, except with the consent of the President of the United States as hereinafter authorized by this act; provided, that this prohibition shall not be interpreted as forbidding the diversion of the waters of the Great Lakes or of Niagara River for sanitary or domestic purposes or for navigation, the amount of which may be fixed from time to time by the Congress of the United States or by the President of the United States under its direction.

Sec. 2. That the Secretary of War is hereby authorized to grant to the State of New York revocable permits for the diversion of water in the United States from said Niagara River above the Falls to an aggregate amount not exceeding a daily diversion at the rate of 20,000 cubic feet of water per second: Provided, that whenever the Secretary of War shall determine that the diversions of water herein authorized, in connection with the amount of water diverted on the Canadian side of the river above the Falls, interferes with the navigable capacity of said river, or its proper volume as a boundary stream, or the scenic grandeur of Niagara Falls, or that the waters diverted for the development of electrical power are not being utilized to their full or proper standard of efficiency, or that the public interest is not being conserved or protected in the generation, transmission or sale of electrical power, he may revoke any permit heretofore or hereafter granted, after giving notice of not less than six months to the State of New York and the Congress of the United States of his intention to make such revocation.

Sec. 3. That the Secretary of War is hereby authorized to grant permits for the transmission of electrical power from the Dominion



VIEW OF RECENTLY IMPROVED SMALL PARK AT THE LOOP



NEW OUTER DRIVE AT THE LOOP

of Canada into the United States; and the said Secretary of War may specify the persons, companies or corporations by whom the same shall be transmitted and the persons, companies or corporations to whom the same shall be delivered: Provided, That no permit for such transmission or delivery of power shall be given by the Secretary of War without the full approval of the Government of the State or States into which said power is to be transmitted or delivered: Provided further, That the persons, companies, or corporations receiving such permits for transmission or delivery shall be governed and regulated as to rates and otherwise as the Governor of such State or States may determine: And provided further, That whenever the Secretary of War shall determine that electrical power transmitted from Canada under permits heretofore or hereafter granted is not being utilized, distributed, or sold with due regard to the public interest, or that the rights granted under the permits have not been reasonably exercised to their full or proper capacity, he may revoke said permits or any part thereof.

Sec. 4. That any person, company, or corporation diverting water from the said Niagara River or its tributaries, or transmitting electrical power into the United States from Canada, except as herein stated, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$2,500 nor less than \$500 or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court: Provided, That the removal of any structures or parts of structures erected in violation of this act, or any construction incidental to or used for such diversion of water or transmission of power as in herein prohibited, as well as any diversion of water or transmission of power in violation thereof, may be enforced or enjoined at the suit of the United States by any district court having jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States.

Sec. 5. That the provisions of this act shall remain in force and effect during the life of said treaty.

Sec. 6. That for accomplishing the purposes detailed in this act the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

Sec. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

COMMITTEE ON FOREIGN AFFAIRS REPORT

Mr. Cline and Mr. Smith of New York, from the Committee on Foreign Affairs, submitted their report on July 20, 1914.

They recommended that the words "daily" and "at the rate" be struck out of section 2 of the bill under consideration. That after the word "second" in the second section the words "at any one time" be inserted.

They also recommended that a new section be added as follows:

Sec. 8. All permits issued pursuant to this act shall be for a determinate period of not longer than fifty years; subject, however, to all the provisions of said act, and neither said act nor any permit granted thereunder shall be construed to establish in any permittee, or its successor, any vested right.

The Commission regard the Report of the Foreign Affairs Committee of such importance that it is printed in full in Appendix A of this Report.

Respectfully submitted,

WILLIAM B. HOWLAND,

President,

T. W. MEACHEM,

Commissioner,

GEORGE J. MEYER,

Commissioner,

ANDREW CUNEO,

Commissioner.

REPORT OF THE SUPERINTENDENT
OF THE
STATE RESERVATION AT NIAGARA
FOR THE
Fiscal Year Ending September 30, 1914.

REPORT OF THE SUPERINTENDENT

To the Commissioners of the State Reservation at Niagara:

GENTLEMEN.— I have the honor to submit herewith the report of the work accomplished during the fiscal year ending September 30, 1914.

ROADS AND WALKS

The improvement and care of the roads and walks has been an important part of the year's work. The following roads have been resurfaced with crushed stone and screenings: The road along River bank from the foot of Falls street to Dow View; the Riverway from Fourth street to the Terminal Station; Port Day; the approach to Green Island Bridge; the road between the bridges on Green Island, and the road on the western portion of Goat Island from the entrance, to the Three Sisters Islands entrance. The other roads were repaired with a mixture of crushed stone and Tarvia with very good results. A new road has been constructed on the Outer Drive at the Loop.

All the roads on the Reservation were treated with the Standard Oil Company Pet Road Oil, with good results.

The following paths have been repaired: All the paths in Prospect Park; the paths below the bank at Elevator and the Talus Slope; the paths on the Upper Riverway; Terrapin Point; Fisherman Trail, and Moonbeam Trail from the entrance to Goat Island to Luna Island.

The following new path was constructed, along the edge of the bank on Upper Riverway, extending from Willow Island to Fourth street, the old path along the roadway at this point, was filled in and graded. A new path was built on the Outer Drive, at the Loop, from bridge to bridge.

The following catchbasins and sewers have been built: One at the Horseshoe Parkage; two catchbasins and sewers at the Goat Island end of the Goat Island Bridge; six catchbasins at the Mainland approach to the Green Island Bridge; six catchbasins at River-

way and Fourth street; and a catchbasin and sewer at the eastern end of the Outer Drive at the Loop.

The sewer leading from the Cave of the Winds Building to the River was in poor condition and has been repaired.

GREEN AND GOAT ISLAND BRIDGES

The reconstruction of the Green and Goat Island Bridges was completed December 19, 1913. Mr. W. H. Yates, Supervising Engineer of the State Engineer's Department, made an inspection on December 21st, and accepted the work for the State.

Eight new Lamp Standards, painted a statuary bronze color were installed on the buttresses of the Green and Goat Island Bridges. Each lamp has a capacity of 760 Watts or 1,150 candle power. The statuary bronze effect is very good and when lighted at night the improvement is manifest.

The four-inch water main on the bridges (which supplies water to Goat Island) which froze and burst last winter, has been repaired and wrapped with asbestos and tar paper, and is now giving good service.

The brick paving which was made necessary by the lengthening of the bridges has been completed.

LOOP POND

The ice last winter did a great amount of damage to the wall at the eastern end of the Outer Drive at the Loop. This was taken down and rebuilt.

In order to sprinkle the grass, trees and shrubs on Mediation Island it was found necessary to build a lift-bridge from the Mainland to the Island; we are now able to use the big sprinkler for this purpose. When not in use the bridge may be lifted and thus visitors are prevented from walking on the planting. When the planting reaches its full growth, this bridge may be removed. Without doubt in one year from now the Loop will be one of the most popular and attractive places on the Reservation.

DOW VIEW

A very attractive addition to the Reservation and a point much admired by visitors is Dow View, situated at the northwestern corner of the Reservation. From this point a magnificent view of

the Lower Rapids may be obtained. The construction of this interesting point was as follows: Two retaining walls of rough field-stone were built, one 12 feet in height, 60 feet in length, 6 feet thick at the bottom, and 3 feet thick at the top; the other, 8 feet in height, 50 feet in length, and $2\frac{1}{2}$ feet in thickness. A flight of rough stone steps was built at the South end. The ground in the vicinity was graded, planted with shrubs and vines and seeded. Fences were constructed on the upper and lower bank edges, and a catchbasin and sewer built.

LIGHTING

The old style carbon lamps and metal heads which were on the Lamp Standards throughout the Park and Riverway were removed, and were replaced with a new style of head; each head is equipped with four sixty Watt Mazda Lamps, covered with a nine by sixteen inch Alba Ball Globe. The appearance of the Reservation thereby has been improved very much in the day time as well as by night. The cost of the improvement was as follows: Material, \$590; labor, our own employees, \$46. Total, \$636.

Six new Lamp Standards have been installed on the Outer Drive at the Loop. In style these standards are uniform with those throughout the Reservation.

One of the Park Lamp Standards, which stood near the Mainland end of the Green Island Bridge, was not needed there after the installation of the new Bridge Standards, and it was moved to Dow View.

Ten New Lamp Standards were purchased and will be installed on Green Island at an early date.

BARN FOR TOOLS

The copies for the advertisements for bids for building the Barn for Tools on Goat Island were received on September 12, 1914. They were inserted in the following papers: The Albany Times Union, Albany, N. Y.; Rochester Herald and Rochester Democrat and Chronicle, Rochester, N. Y.; Buffalo Express and Buffalo Courier, Buffalo, N. Y.; Niagara Falls Gazette and Niagara Falls Journal, Niagara Falls, N. Y. The proposals are to be opened on October 15, at 11 A. M.

PAINTING

The front of the porch at the Cave of the Winds Building was given a coat of paint and varnished, and the Lamp Standards, and most of the fences were given a coat of green graphite paint. At the Elevator the walls were touched up with ivory white cement paint, and the outlet screen, Lower Station, transoms and bases in machine room, elevators and railings, beams, stairs, shafts and stair railings were painted. The roof of the Lower Station at the Elevator was painted with water proof paint and the toilets and ticket offices were varnished.

ELEVATOR

New cables were installed on both the elevator cars this year. The drains under the Lower Station were in bad condition and were repaired. The toilets, stairs, plumbing and electrical machinery have been thoroughly overhauled and repaired wherever needed.

A large amount of general maintenance is required each year for the Elevator, and Charles H. Blood, Electrical Engineer, deserves much credit for the able and satisfactory manner in which the work is conducted.

GRADING, SEEDING AND PLANTING

The high wind and snow storm of November 10, 1913, caused the water in the river to rise several feet and wash out 500 feet of the newly-finished shore line west of the First Loop Bridge. A much heavier wall was constructed at this point and it has been filled in with earth, graded and seeded.

A large number of poplar trees and shrubs were planted along the side of the International Theater, to screen the building from the Park.

The bare spots of lawn surface on the Riverway, at the Loop and in Prospect Park, were cultivated and reseeded.

Several high growing shrubs were planted in front of the Dry House at the Cave of the Winds.

The past spring 202 ornamental trees, 790 shrubs and 4,000 transplants and seedlings were planted. The transplants and seedlings were received from the State Conservation Commission, free



RECONSTRUCTED GOAT ISLAND BRIDGE





RECONSTRUCTED GREEN ISLAND BRIDGE



of any charge to the Reservation, and were as follows: One thousand white pine transplants, 1,000 red pine transplants, 1,000 European larch seedlings and 1,000 red oak seedlings.

The bank on the south side of Goat Island, from Terrapin Point to the Three Sisters Islands, and the bank from Prospect Point to Dow View, were cleaned of all dead trees, vines and underbrush and a variety of seeds planted thereon.

The following locations on the Reservation have been filled in, graded and seeded: At the ends of the Green and Goat Island Bridges; Dow View; upper end of Goat Island; the River bank on Mainland, from Green Island Bridge to Prospect Point; Green Island between bridges; Mediation Island in Loop Pond; the Outer Drive; Loop; in the vicinity of the barn on Goat Island; and along the drive on Riverway, from Willow Island to Fourth street.

In grading on the Reservation this year 5,988 cu. yards of earth were used, 5,716 cu. yards of which were furnished free of any charge by contractors.

GENERAL MAINTENANCE

Several large stones were planted around the Lower Station at the Elevator and more will be planted there as soon as we are able to obtain them.

Several dead and dying trees were removed from the Reservation during the winter months. All the young trees and shrubs were pruned and cultivated.

The floors of the Three Sisters Bridges have been repaired and new floors were laid in the stalls at the barn.

A horse lawn sweeper was purchased in the early fall, and has given good results in keeping the lawns free of leaves, debris, etc.

The old system of the use of drinking cups at the Spring on Goat Island was unsatisfactory. Visitors would throw the water back into the Spring after drinking from the cups; also wash their hands and dip pocket handkerchiefs in the Spring. We have done away with this condition by thoroughly cleaning out the Spring and placing white filter sand therein. A screen was placed in front of the opening and a small force pump with bubbler drinking attachment was installed. This has given very satisfactory service.

All the drinking fountains were taken down during the winter months and thoroughly overhauled and repaired.

The plumbing at the Shelter House at the entrance to Goat Island was thoroughly overhauled and a new water tank installed.

The plumbing has been repaired in the following buildings: Administration Building and the Three Sisters Comfort Station.

During the month of February the ice jam above Goat Island caused the American Rapids to freeze between the small islands and Goat and Green Islands. Advantage was taken of this situation and the islands were cleaned of all dead and dying trees, underbrush and choking vines, birch and white cedar seeds were then planted on the islands. The improvement is very noticeable. The islands thus treated were Robinson Island, Bird Island, Crow Island, Ship Island and Brig Island.

In the spring the Reservation was given a thorough clean-up in all places accessible.

The park benches were stored during the winter on the verandas of the Cave of the Winds Building and the Three Sisters Comfort Station. In the spring the benches were scrubbed thoroughly with soap and water.

The tall grass along the Riverway Drive and the roads on Goat Island was mowed with scythes.

The fence extending from Hennepin Point to Dow View was taken down and rebuilt on different lines to conform with the new fence at Dow View. The improvement is very apparent.

The Loop Pond was dammed at both ends and sulphate of copper was used to exterminate the weeds with excellent results.

A 2½-inch hydrant was installed on Green Island for the use of the big sprinkler. We will now be able to keep Green Island sprinkled during the driest months of the season.

MISCELLANEOUS

On Tuesday and Wednesday, December 16 and 17, 1913, the Governor's Legislative Committee on power distribution, visited Niagara Falls to make an investigation of the power plants. They were accorded the courtesy of an automobile ride through the Reservation.

The smallpox epidemic during the winter of 1913 and 1914 at Niagara Falls, New York, reduced our Elevator receipts to a

marked extent. The State authorities ordered all the churches and places of amusement closed. We immediately gave orders to close the Elevator on Sundays, until further notice. Although the State authorities gave us no orders to do this, we thought it advisable to close because Sunday is the day on which a great many Niagara Falls people come to visit the Falls and use the Elevator. The quarantine was lifted on March 10, 1914, by order of the State authorities and the Elevator was opened on Sunday, March 15, 1914. The State authorities also gave orders that every one must be vaccinated or remain away from work. Our office employees were vaccinated immediately, and orders issued to the employees that they must be vaccinated or remain at home. This order was complied with by all employees.

The European war has also reduced the Elevator receipts during the summer and autumn months and the falling off of the number of visitors is noticeable.

The first meeting of the Commissioners (after the appointments were made by the Legislature of the four Commissioners) was held in the Administration Building, Niagara Falls, N. Y., on Tuesday, April 21, 1914. Present were:

Commissioner Thomas W. Meachem.....	Time not expired
Commissioner Oliver Cabana, Jr.....	Appointed
Commissioner George J. Meyer.....	Appointed
Commissioner Andrew Cuneo.....	Appointed

Absent, owing to illness, Commissioner William B. Howland, Reappointed.

Commissioner William B. Howland was unanimously elected President at this meeting.

A large amount of general maintenance is required each year on the Reservation, and James Cassidy, general foreman, deserves much credit for the able and satisfactory manner in which the work is conducted.

During the fiscal year there have been two known cases of suicide, three suspected cases and two cases of rescue; one at Prospect Point and one at Willow Island. There were seven bodies recovered below the Falls, one on the American shore and six on the Canadian shore.

There was one accident in which a man received a fracture of the leg.

One hundred articles were reported lost, forty-six articles were found and thirty articles returned to the owners.

Thirty-five arrests were made as follows: Intoxication 19, disorderly conduct 3, robbery 1, no automobile license 1, attempted suicide 2, speeding 1, suspicious characters 4, violation of highway law 1, assault 1, confidence men 2.

Sixty dollars in fines and two hundred and ten days were the total of sentences imposed.

Respectfully submitted,

HARRY K. ECKERT,
Superintendent

REPORT OF THE TREASURER
OF THE
STATE RESERVATION AT NIAGARA
FOR THE
Fiscal Year Ending September 30, 1914.

The undersigned, being duly sworn, depose and say that the within and foregoing is a true and correct copy of the original of the same, as the same appears from the records of the Court of Sessions of the County of [] State of []

Subscribed and sworn to before me this [] day of [] 19[]

WITNESSED BY ME, the Clerk of the Court

at []

ASSAYED TO NOTARIAL STATE

at []

And on this day, [] 19[]

TREASURER'S REPORT FOR THE FISCAL YEAR SEP- TEMBER 30, 1913, TO OCTOBER 1, 1914

The Commissioners of the State Reservation at Niagara in account
with CLARENCE H. ATWOOD, Treasurer.

1913.		Payment by the State Comptroller on account:	
Oct.	18.	Chapter 547, Laws of 1912, and Chapter 791, Laws of 1913	\$2,976 84
		Chapter 792, Laws of 1913.....	1,534 99
Nov.	1.	Chapter 792, Laws of 1913, and Chapter 547, Laws of 1912	1,760 00
	22.	Chapter 792, Laws of 1913; Chapter 547, Laws of 1912, and Chapter 791, Laws of 1913.....	8,380 53
Dec.	4.	Chapter 792, Laws of 1913, and Chapter 547, Laws of 1912	1,892 20
	18.	Chapter 792, Laws of 1913, and Chapter 547, Laws of 1912	5,021 05
Jan.	1.	Chapter 792, Laws of 1913, and Chapter 547, Laws of 1912	1,633 69
	16.	Chapter 547, Laws of 1912; Chapter 792, Laws of 1913; Chapter 791, Laws of 1913, and Chapter 833, Laws of 1913.....	5,773 93
	31.	Chapter 792, Laws of 1913, and Chapter 833, Laws of 1913	1,644 35
Feb.	3.	Chapter 792, Laws of 1913, and Chapter 833, Laws of 1913	2,144 46
	19.	Chapter 792, Laws of 1913.....	1,200 77
March	16.	Chapter 792, Laws of 1913.....	1,250 56
	31.	Chapter 792, Laws of 1913.....	1,731 17
April	16.	Chapter 792, Laws of 1913, and Chapter 547, Laws of 1912	1,618 38
	29.	Chapter 792, Laws of 1913.....	2,197 07
May	15.	Chapter 792, Laws of 1913.....	1,709 97
June	3.	Chapter 792, Laws of 1913; Chapter 791, Laws of 1913, and Chapter 833, Laws of 1913.....	2,236 09
	17.	Chapter 792, Laws of 1913.....	1,736 20
July	1.	Chapter 792, Laws of 1913; Chapter 791, Laws of 1913; Chapter 833, Laws of 1913, and Chapter 547, Laws of 1912.....	3,129 80
	18.	Chapter 792, Laws of 1913; Chapter 791, Laws of 1913, and Chapter 531, Laws of 1914.....	1,786 69
Aug.	3.	Chapter 792, Laws of 1913, and Chapter 531, Laws of 1914	3,798 80

Aug.	15.	Chapter 792, Laws of 1913, and Chapter 531, Laws of 1914	1,707 58
	31.	Chapter 792, Laws of 1913, and Chapter 531, Laws of 1914	3,454 94
Sept.	15.	Chapter 792, Laws of 1913.....	1,445 88
Oct.	1.	Chapter 792, Laws of 1913, and Chapter 531, Laws of 1914	2,803 71
	7.	Chapter 521, Laws of 1914.....	516 06
			<hr/>
			\$65,085 71
			<hr/>

EXPENDITURES

ROADS AND WALKS

*Chapter 791, Laws of 1913*CLARENCE H. ATWOOD, *Treasurer**Abstract No. 1*

Date	Voucher	Name and Classification	Amount
1914.			
May 25.	2	Payroll, Roads and Walks.....	\$313 21
June 22.	3	P. Hanrahan, Roads and Walks.....	42 00
			<hr/>
			\$355 31

*Chapter 531, Laws of 1914**Abstract No. 2*

July	11.	4	Payroll	\$488 06
		5	P. Hanrahan	50 97
	24.	6	Payroll	545 17
		7	William Wilson	95 20
		8	Welch Coal Co.....	18 50
		9	Read-Coddington Engineering Co.	807 00
		10	Wm. S. Humbert, Inc.....	15 63
		11	River Sand Co.....	16 05
		12	Thomas Andrews' Sons.....	258 39
		13	G. Beaton	30 30
		14	P. Hanrahan	49 00
Aug.	12.	15	Payroll	255 50
	26.	16	Payroll	386 66
		17	McGarigle Machine Co.....	15 80
		18	G. Beaton	7 50
		19	River Sand Co.....	26 25
		20	Welch Coal Co.....	14 19
		21	Standard Oil Co. of New York...	698 72
		22	Read-Coddington Engineering Co.	608 00
		23	William Wilson	37 80
Sept.	25.	24	Niagara Development Co.....	246 00
		25	Read-Coddington Engineering Co.	5 50
		26	G. Beaton	50 78
		27	William Wilson	75 60
				<hr/>
				\$5,157 78



AMERICAN RAPIDS WITH GOAT ISLAND BRIDGE IN THE DISTANCE



GOAT ISLAND BRIDGE

*Abstract No. 15**Chapter 547, Laws of 1912*CLARENCE H. ATWOOD, *Treasurer*

Date	Number	Name and Classification	Amount
1913.			
Oct.	11. 183	Payroll	\$75 00
	184	Drake & Deane Co., Inc.	2,698 75
	24. 185	Payroll	75 00
	186	W. H. Yates	22 30
Nov.	10. 187	Payroll	75 00
	188	W. H. Yates	24 45
	189	Payroll	75 00
	26. 1	Drake & Deane Co., Inc.	4,544 63
Dec.	10. 190	Payroll	75 00
	191	Drake & Deane Co., Inc.	3,337 98
	27. 192	Edward G. Semon	18 80
	193	George E. Kessler	11 38

1914.

Abstract No. 17

Jan.	8. 194	W. H. Yates	22 90
	195	Drake & Deane Co., Inc.	2,640 79

Abstract No. 18

April	9. 196	Elderfield-Hartshorn Hdw. Co. . .	124 48
June	22. 197	Thomas Andrews' Sons	750 00

*Chapter 791, Laws of 1913**Abstract No. 16*

1913.

Oct.	11. 2	Drake & Deane Co., Inc.	203 09
Nov.	10. 4	Drake & Deane Co., Inc.	2,181 07

Abstract No. 18

1914.

Jan.	8. 5	Drake & Deane Co., Inc.	372 18
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*Chapter 521, Laws of 1914**Abstract No. 1*

Sept.	24. 1	Robertson-Cataract Electric Co. . .	33 12
	2	Macbeth-Evans Glass Co.	42 55
	3	Elderfield-Hartshorn Hdw. Co. . .	14 58
	4	Union Metal Manufacturing Co. . .	413 81
	5	Union Metal Manufacturing Co. . .	12 00

 \$17,843 86

EXPENDITURES
DEFICIENCY IN APPROPRIATION

Chapter 833, Laws of 1913

Abstract No. 20

Date 1914.	Number	Name of Classification	Amount
Jan. 8.	1	Tiffany Studio, office expenses....	\$190 00
	2	New York Telephone Co., office expenses	48 17
	3	Niagara Falls Transfer Co., office expenses	27 00
	4	William B. Howland, office expenses	13 75
	5	The Argus Co., office expenses....	32 90
	6	Western Union Tel. Co., office expenses	3 75
	7	Harry K. Eckert, office expenses..	88 53
	8	Queen City Pure Water Co., office expenses	12 00
	9	Roberts Brothers, office expenses.	4 00
	10	William B. Howland, office expenses	29 50
	11	Thomas W. Meachem, office expenses	31 83
	12	George E. Kessler, office expenses	50 50
	13	Niagara Falls Transfer Co., office expenses	31 00
	14	Charles M. Dow, office expenses..	46 88
	15	New York Telephone Co., office expenses	10 35
	16	Hotel Kaltenbach, office expenses.	21 45
	17	National Press Intel. Co., office expenses	8 50
	18	Klips, office expenses.....	1 95
	19	Joseph T. Snyder, office expenses.	14 85
	20	Welch Brothers, office expenses..	11 00
	21	Cataract Ice Co., office expenses.	29 90
Feb. 23.	40	Croy Drug Co., office expenses....	3 80

Abstract No. 21

May 25.	41	C. F. Rattigan, office expenses...	4 00
June 22.	42	Thomas P. Kingsford, office expenses	84 65

Abstract No. 19

Jan. 8.	22	J. H. Palmer, services and expenses	7 00
	23	J. D. Hickey, services and expenses	4 70

Date	Number	Name and Classification	Amount
1914.			
Jan.	8.	24 G. Beaton, services and expenses	\$191 35
		25 The Formacone Co., services and expenses	7 50
		26 New York Moline Plow Co., services and expenses	38 00
		27 Otis Elevator Co., services and expenses	30 00
		28 Wm. S. Humbert Co., Inc., services and expenses	55 85
		29 McGarigle Mach. Co., services and expenses	54 75
		30 Allen Milling Co., services and expenses	23 00
		31 Allen Milling Co., services and expenses	13 00
		32 Allen Milling Co., services and expenses	16 50
		33 Allen Milling Co., services and expenses	14 20
		34 William Young, services and expenses	1 75
		35 William Young, services and expenses	4 19
		36 Elderfield-Hartshorn H. Co., services and expenses	260 82
	23.	37 Western N. Y. Water Co., services and expenses	34 44
		38 Dan. H. Clark, services and expenses	2 50
Feb.	23.	39 Henry Chormann, services and expenses	20 30

1,580 11

*EXPENDITURES*CLARENCE H. ATWOOD, *Treasurer*

MAINTENANCE

*Abstract No. 186**Chapter 792, Laws of 1913*

Date	Number	Name and Classification	Amount
1913.			
Oct.	11.	1 Payroll	\$1,534 99
	24.	11 Payroll	1,591 75
		12 Grim & McCully, office expenses	10 00
		13 Queen City Pure W. Co., office expenses	2 10
		14 Adams & White Co., office expenses	20 10

Date	Number	Name and Classification	Amount
1913.			
Oct.	24.	16 Romer Axe Co., services and expenses	\$18 50
		17 Peter Henderson & Co., services and expenses	8 25
		penses	8 25
		18 D. Lynch's Sons, services and expenses	12 00
Nov.	10.	19 Payroll	1,449 86
		20 New York Telephone Co., office expenses	14 55
		21 Clarence H. Atwood, office expenses	21 95
		22 Harry K. Eckert, office expenses..	41 52
		23 Charles S. Durkee, office expenses	25 00
		24 Everwear Man. Co., services and expenses	2 50
	26.	25 Payroll	1,441 90
		26 Geo. Irish Paper Co., services and expenses	5 00
		27 Geo. Irish Paper Co., services and expenses	65 00
		28 River Sand Co., services and expenses	44 20
		29 Phil. Lawn Mower Co., services and expenses	64 00
		30 Sterling Elec. Lamp Div., services and expenses	35 10
		31 N. F. Coal & Supply Co., services and expenses	6 75
		32 Allen Milling Co., services and expenses	27 50
		33 Elderfield-H Hdw. Co., services and expenses	12 26
		34 William Wilson, services and expenses	63 00
		35 J. D. Hickey, services and expenses	6 60
		36 McGarigle Mach. Co., services and expenses	11 96
		37 Wm. S. Humbert, Inc., services and expenses	12 68
		38 N. C. Home Telephone Co., office expenses	5 00
		39 Q. C. Pure Water Co., office expenses	3 00
		40 N. C. Home Telephone Co., office expenses	9 50

Date	Number	Name and Classification	Amount
1913.			
Nov. 26.	41	W. U. Telegraph Co., office expenses	\$3 75
Dec. 10.	42	Payroll	1,510 72
	43	Nat. Carbonic Gas. Co., services and expenses	7 50
	44	King & Eisele Co., services and expenses	4 31
	45	William Young, services and expenses	1 98
	46	Wicker Lumber Co., services and expenses	15 75
	47	Harry K. Eckert, office expenses..	60 31
	48	Fred B. Peck, office expenses.....	4 50
	49	Joseph T. Snyder, office expenses..	3 00
27.	50	Payroll	1,357 28
	51	N. F. Coal & Supply Co., services and expenses.....	13 50
	52	Drake & Deane Co., Inc., services and expenses	100 00
	53	River Sand Co., services and expenses	27 35
	54	Elderfield-Hartshorn Hd. Co., services and expenses.....	14 24
	55	William Young, services and expenses	16 46
	56	Dobbie Foundry & Mach. Co., services and expenses.....	33 75
	57	S. O. Barnum & Son Co., services and expenses	9 33
	58	M. E. Harris, services and expenses	7 70
	59	New York Telephone Co., office expenses	15 65
	60	Q. C. Pure Water Co., office expenses	3 00
	61	Federal Telephone & T. Co., office expenses	5 25
			<hr/>
			9,781 85
1914.			
		<i>Abstract No. 187</i>	
Jan. 8.	62	Payroll	\$1,290 59
	63	Harry K. Eckert, office expenses..	17 05
23.	64	Payroll	1,223 02
	65	Webster Loose Leaf F. Co., office expenses	7 50
	66	Thomas W. Meachem, office expenses	10 69
	67	Joseph T. Snyder, office expenses..	5 95
	68	Cataract Ice Co., office expenses..	13 20

Date 1914.	Number	Name and Classification	Amount
Jan.	23.	69 Federal Telephone & T. Co., office expenses	\$9 50
		70 New York Telephone Co., office expenses	12 70
		71 Welch Brothers, office expenses..	21 40
		72 The Argus Company, office expenses	23 39
		73 Queen City Pure Water Co., office expenses	3 00
		74 J. M. Thorburn & Co., services and expenses	14 23
		75 G. Beaton, services and expenses.	23 70
		76 Elderfield-Hartshorn Hd. Co., services and expenses.....	22 52
		77 William Young, services and expenses	35 31
		78 M. B. Butler, Inc., services and expenses	2 60
		79 Macbeth-Evans Glass Co., services and expenses	148 67
		80 Otis Elevator Co., services and expenses	30 00
Feb.	9.	81 Payroll	1,200 77
	23.	82 Payroll	1,280 19
		83 Federal Telephone & T. Co., office expenses	5 00
		84 N. F. Transfer Co., office expenses.	14 50
		85 Adams & White Co., office expenses	18 95
		86 Charles M. Dow, office expenses..	131 20
		87 Harry K. Eckert, office expenses..	30 75
		88 W. U. Telegraph Co., office expenses	3 75
		89 The Formacone Co., office expenses	7 50
		90 Q. C. Pure Water Co., office expenses	3 00
		91 New York Telephone Co., office expenses	11 35
		92 Progressive Art Store, office expenses	11 00
		93 Fred B. Peck, office expenses....	6 60
		94 J. M. Thorburn & Co., services and expenses	8 25
		95 Robertson-Cataract Elec. Co., services and expenses.....	427 26
		96 Henry Chormann, services and expenses	4 30
		97 G. Beaton, services and expenses..	15 00
		98 Dan. H. Clark, services and expenses	4 00

Date 1914.	Number	Name and Classification	Amount
Feb. 23.	99	N. F. Transfer Co., services and expenses	\$18 00
	100	Allen Milling Co., services and expenses	73 90
	101	Allen Milling Co., services and expenses	23 00
	102	Elderfield-Hartshorn Hd. Co., services and expenses.....	10 25
	103	William Young, services and expenses	3 64
	104	Charles D. Reese, services and expenses	9 00
March 9.	105	Payroll	1,250 56
24.	106	Payroll	1,356 78
	107	Harry K. Eckert, office expenses..	32 99
	108	The Argus Company, office expenses	19 04
	109	The Argus Company, office expenses	16 55
	110	New York Telephone, office expenses	9 15
	111	M. T. Conklin, office expenses....	90 00
	112	Federal Telephone & T. Co., office expenses	5 20
	113	Niagara Frontier Pub. Co., office expenses	1 00
	114	John B. Trombly, A. & W., services and expenses.....	41 50
	115	Elderfield-Hartshorn Hd. Co., services and expenses.....	15 53
	116	D. & H. Coal Co., services and expenses	13 50
	117	Allen Milling Co., services and expenses	26 05
	118	William Young, services and expenses	50
	119	C. F. Rattigan, services and expenses	12 00
	120	Robertson-Cataract Elec. Co., services and expenses.....	2 28
	121	Sterling Elec. Lamp Division, services and expenses.....	37 80
	122	Otis Elevator Co., services and expenses	49 90
	123	J. M. Thorburn & Co., services and expenses	1 40

 \$9,217 91

Abstract No. 188

Date	Number	Name and Classification	Amount
1914.			
April	9.	124 Payroll	\$1,493 90
	23.	125 Payroll	1,544 98
		126 Otis Elevator Co., services and expenses	30 00
		127 Iroquois Rubber Co., services and expenses	10 15
		128 William Young, services and expenses	3 09
		129 Allen Milling Co., services and expenses	17 50
		130 James M. Claney, Agt. & W., services and expenses	25 15
		131 Am. Watchman's Time D. Co., services and expenses	61 80
		132 Edward B. Seeber, services and expenses	270 00
		133 Wicker Lumber Co., services and expenses	30 00
		134 G. Beaton, services and expenses	14 45
		135 Peter Henderson & Co., services and expenses	50 62
		136 Welch Coal Co., services and expenses	13 25
		137 Elderfield-Hartshorn Hd. Co., services and expenses	29 63
		138 Harry K. Eckert, office expenses	23 00
		139 Federal Telephone & T. Co., office expenses	9 70
		140 Q. C. Pure Water Co., office expenses	3 00
		141 L. C. Smith. & Bro., office expenses	3 80
		142 Charles M. Dow, office expenses	36 02
		143 Joseph T. Snyder, office expenses	5 90
		144 New York Telephone Co., office expenses	15 03
May	8.	145 Payroll	1,709 97
	25.	146 Payroll	1,393 84
		147 Elderfield-Hartshorn Hd. Co., services and expenses	78 18
		148 Otis Elevator Co., services and expenses	41 67
		149 McGarigle Machine Co., services and expenses	15 50
		150 Elderfield-Hartshorn Hdw. Co., services and expenses	5 50
		151 Dobbie Foundry & Mach. Co., services and expenses	1 00



RECONSTRUCTED GREEN ISLAND BRIDGE — SHOWING NEW LIGHTING SYSTEM



Date 1914.	Number	Name and Classification	Amount
May	25. 152	S. O. Barnum & Son Co., services and expenses	\$9 00
	153	Machwirth Bros. Co., services and expenses	16 50
	154	G. Beaton, services and expenses..	7 65
	155	Safety Insu. Wire & Conduit Co., services and expenses.....	108 65
	156	W. & T. Smith Co., services and expenses	165 35
	157	J. Sklarsky, services and expenses	11 85
	158	William Young, services and ex- penses	7 02
	159	Mitchell Storage Co., Inc., services and expenses	11 93
	160	Wm. G. Humbert, Inc., services and expenses	5 62
	161	Harry K. Eckert, office expenses..	12 77
	162	New York Telephone Co., office expenses	12 70
	163	Joseph T. Snyder, office expenses.	5 95
	164	Federal Telephone & T. Co., office expenses	5 20
	165	Queen City Pure Water Co., office expenses	3 00
June	9. 166	Payroll	1,736 20
	22. 167	Payroll	1,780 12
	168	Frederick Farrar, services and ex- penses	8 75
	169	N. F. Transfer Co., services and expenses	18 00
	170	William Young, services and ex- penses	3 50
	171	Peter Henderson & Co., services and expenses	25 00
	172	D. B. Hill Nursery Co., Inc., ser- vices and expenses.....	24 00
	173	Allen Milling Co., services and ex- penses	44 50
	174	Wm. S. Humbert, Inc., services and expenses	18 72
	175	Frost Wire Fence Co., services and expenses	20 77
	176	Elderfield-Hartshorn H. Co., ser- vices and expenses.....	31 06
	177	The Gould Manfg. Co., services and expenses	5 00
	178	G. Beaton, services and expenses.	53 25
	179	Dr. W. S. Gleason, D. H. M., ser- vices and expenses.....	2 25

Date 1914.	Number	Name and Classification	Amount
June 22.	180	Phil. Lawn Mower Co., services and expenses	\$3 20
	181	West Disinfecting Co., services and expenses	6 88
	182	Braas Brothers, services and expenses	30 63
	183	Yale Motorcycle Agency, services and expenses	20 20
	184	Daniel Mahoney & Sons, services and expenses	34 01
	185	Harry K. Eckert, office expenses..	22 85
	186	W. U. Telegraph Co., office expenses	7 09
	187	Federal Telephone & T. Co., office expenses ..	8 50
	188	New York Telephone Co., office expenses ..	11 40
	189	Q. C. Pure Water Co., office expenses ..	5 60
	190	Thomas W. Meachem, office expenses ..	25 62
	191	William B. Howland, office expenses ..	42 25
			<hr/>
			\$11,309 17
<i>Abstract No. 189</i>			
July 11.	197	Payroll ..	\$1,218 64
	192	The Prospect House, office expenses ..	13 90
	194	N. F. Transfer Co., office expenses ..	15 12
24.	198	Payroll ..	1,231 00
	199	Iroquois Rubber Co., services and expenses ..	45 00
	200	Allen Milling Co., services and expenses ..	19 00
	201	Plimpton Cowan & Co., services and expenses ..	24 75
	202	Austin Western Mach Co., services and expenses.....	225 00
	203	Otis Elevator Co., services and expenses ..	30 00
	204	Wicker Lumber Co., services and expenses ..	16 72
	205	Peter Lammerts Auto W., services and expenses ..	156 25
	206	Elderfield-Hartshorn H. Co., services and expenses.....	88 24
	207	G. Beaton, services and expenses.	12 50
	208	Joseph T. Snyder, office expenses.	3 93

Date		Number	Name and Classification	Amount
1914.				
July	24.	209	Adams & White Co., office ex- penses	\$7 50
		210	New York Telephone Co., office expenses	14 05
		211	Q. C. Pure Water Co., office ex- penses	3 00
		212	Adams & White Co., office ex- penses	3 60
		213	Cataract Ice Co., office expenses..	15 50
		214	W. U. Telegraph Co., office ex- penses	1 87
		215	Harry K. Eckert, office expenses..	35 05
		216	The Argus Company, office ex- penses	26 40
		217	Welch Brothers, office expenses...	4 00
Aug.	12.	218	Payroll	1,452 08
	26.	219	Payroll	1,283 19
		220	G. Beaton, services and expenses..	5 00
		221	Elderfield-H. Hd. Co., services and expenses	69 42
		222	Sterling Elec. Lamp Div., ser- penses	31 50
		223	M. E. Harris, services and ex- penses	8 65
		224	Dr. W. S. Gleason, D. H. M., ser- vices and expenses	20 00
		225	Dewane Bogue, services and ex- penses	15 00
		226	M. B. Butler, Inc., services and expenses	18 25
		227	Wicker Lumber Co., services and expenses	66 00
		228	William Young, services and ex- penses	14 21
		229	Henry Chormann, services and ex- penses	8 50
		230	M. E. Harris, services and ex- penses	9 35
		231	E. W. Bull, Yale M. Garage, ser- vices and expenses.....	10 70
		232	Harry K. Eckert, office expenses..	19 51
		233	W. U. Telegraph Co., office ex- penses	5 18
		234	Clarence H. Atwood, office ex- penses	25 25
		235	Federal Telephone & T. Co., office expenses	5 00
		236	Joseph T. Snyder, office expenses.	4 60

Date	Number	Name and Classification	Amount
1914.			
Aug.	26.	237 Roberts Brothers Co., office ex- penses	\$4 00
		238 New York Telephone Co., office ex- penses	10 95
		239 Federal Telephone & T. Co., office expenses	9 75
		240 Joseph T. Snyder, office expenses..	5 51
		241 Q. C. Pure Water Co., office ex- penses	3 00
		242 The Formacone Co., office ex- penses	7 50
Sept.	10.	243 Payroll	1,445 88
	25.	244 Payroll	1,343 83
		245 William Young, services and ex- penses	9 01
		246 William Young, services and ex- penses	3 87
		247 John Miosga, services and ex- penses	58 31
		248 Henry Chormann, services and ex- penses	5 40
		249 Henry Chormann, services and ex- penses	21 00
		250 M. E. Harris, services and ex- penses	6 90
		251 Robertson-Cataract Elec. Co., ser- vices and expenses.....	18 00
		252 Robertson-Cataract Elec Co., ser- vices and expenses	43 52
		253 Macbeth-Evans Glass Co., ser- vices and expenses.....	23 67
		254 Wm. S. Humbert, Inc., services and expenses	10 25
		255 Dobbie Foundry & Mach Co., ser- vices and expenses	3 33
		256 Dobbie Foundry & Mach. Co., ser- vices and expenses	288 00
		257 Allen Milling Co., services and ex- penses	22 05
		258 Allen Milling Co., services and ex- penses	45 17
		259 Allen Milling Co., services and ex- penses	29 05
		260 Elderfield-Hartshorn H. Co., ser- vices and expenses.....	182 42
		261 Keasbey & Mattison Co., services and expenses	134 82
		262 Peter Henderson & Co., services and expenses	27 00

Date	Number	Name and Classification	Amount
1914.			
Sept.	25.	263 U. S. Cast Iron Pipe & Fdy. Co., services and expenses.....	\$8 42
		264 National Carbonic Gas Co., services and expenses.....	7 50
		265 Niagara Falls Transfer Co., services and expenses.....	3 00
		266 Dan. H. Clark, services and expenses	2 00
		267 G. Beaton, services and expenses.	10 00
		268 E. W. Bull, M. Garage, services and expenses	1 60
		269 Machwirth Brothers Co., services and expenses	2 75
		270 Q. C. Pure Water Co., office expenses	3 00
		271 Federal Telephone & T. Co., office expenses	5 20
		272 Joseph T. Snyder, office expenses.	4 46
		273 New York Telephone Co., office expenses	12 70
		274 William B. Howland, office expenses	42 10
		275 Niagara Falls Transfer Co., office expenses	2 25
		276 George Irish Paper Co., watchmen, janitors, etc.....	39 25
		277 Keasbey Mattison Co., services and expenses	6 00
			<hr/> \$10,195 03
Total			<hr/> \$65,035 71 <hr/>

THE COMMISSIONERS OF THE STATE RESESVATION AT NIAGARA

CLARENCE H. ATWOOD, *Treasurer*

Record of receipts for the fiscal year 1913-1914 from the concessionaires:

Elevator	\$11,673 55
International Railway	1,000 00
Maid of the Mist.....	600 00
Reservation Carriage Service.....	100 00
<hr/>	
\$13,373 55 <hr/>	

Record of the date of transfers of above receipts, all of which were paid into the State Treasury:

1913. By draft.

Nov.	1.	October receipts	\$731 10
Dec.	1.	November receipts	1,230 40

1914.	By draft.		
Jan.	2.	December receipts	\$159 50
Feb.	2.	January receipts	213 90
March	2.	February receipts	122 10
April	1.	March receipts	224 80
May	1.	April receipts	205 65
June	1.	May receipts	699 65
July	3.	June receipts	1,285 75
Aug.	3.	July receipts	3,254 75
Sept.	1.	August receipts	3,331 85
Oct.	1.	September receipts	1,814 10
Nov.	7.	Reservation Carriage Service for fiscal year 1913-1914	100 00
			<hr/> \$13,373 55

STATE OF NEW YORK, }
COUNTY OF NIAGARA, } ss.:

C. H. Atwood being duly sworn deposes and says, that he is Treasurer of the Commissioners of the State Reservation at Niagara. And that the above report, made by him as such Treasurer, for the fiscal year 1913-1914, is correct and true to the best of his knowledge.

C. H. ATWOOD,
Treasurer.

Sworn to before me this day,
9th of November, 1914.

JOHN W. BROPHY,
Notary Public.

CERTIFICATE

We, the undersigned, constituting a majority of the Commissioners of the State Reservation at Niagara hereby audit the foregoing accounts, at the several amounts named.

WILLIAM B. HOWLAND,
T. W. MEACHEM,
GEO. J. MEYER,
Commissioners of the State Reservation at Niagara.

APPENDIX A

The Commission regard the Report of the Foreign Affairs Committee of the United States House of Representatives on the Cline-Smith Bill of such importance that it is herein incorporated for permanent reference.

HOUSE OF REPRESENTATIVES REPORT No. 990

63D CONGRESS — 2ND SESSION

The direct assumption of jurisdiction over the Niagara River by the Federal Government for the purposes of this bill grew out of a message by President Roosevelt to the first session of the Fifty-ninth Congress, dated March 27, 1906, transmitting a report to Congress made by the International Waterways Commission regarding the preservation of the Falls of Niagara. The report of the International Waterways Commissioners was requested in a joint resolution passed by Congress March 15, 1906, directing the Commission to report to Congress at an "early date what action is, in their judgment, necessary and desirable to prevent the further deflection of the waters flowing over Niagara Falls."

The Commission in its report (S. Doc. No. 242, 59th Cong., 1st Sess.) found that charters had been "granted to corporations not now limited" as to time of expiration or amount of water to be taken. This report also shows that in 1896 the Niagara Falls Power & Manufacturing Company authorized by the State of New York to take, draw, use and lease and sell to others to use the waters of Niagara River for domestic, sanitary, and manufacturing purposes and to develop power therefrom for its own use and to lease and sell to others to use for manufacturing, heating, lighting, and other purposes, is hereby recognized, declared and confirmed. No limit of time was fixed, and the amount of water to be diverted was to be all that could be taken by a canal 100 feet wide and 14 feet deep.

The Niagara Falls Power Company in 1896 was also authorized by the State of New York to take enough water to generate 200,000 horsepower, computed to be 17,200 cubic feet per second.

The Canadian Niagara Power Company in 1892, and by subsequent acts of legislation of the Province of Ontario, was given, without limit of time, authority to develop 110,000 horsepower, estimated to be 9,500 cubic feet of water per second.

The Ontario Power Company in 1902 was authorized to construct works, according to certain plans, with a capacity of 180,000 horsepower. This company was unlimited either in capacity of the works it might erect or the quantity of water it might take. The amount of water required for the works then under construction was 12,000 cubic feet per second.

The Electrical Development Company, of Ontario, was incorporated in 1903 and given authority to develop 125,000 horsepower, requiring 112,000 cubic feet of water per second. The life of these charters ran from 50 to 130 years.

In addition to the foregoing, the New York Legislature, between the years 1886 and 1894, granted six charters to take water from the Niagara River above the Falls of Niagara. Some of the charters have expired by limitation. To summarize: The companies then lawfully authorized and now in operation and the amounts of water they could take under their original charters was as follows:

American Companies:	Cubic feet per second
Niagara Falls Hydraulic Power and Manufacturing Co..	9,500
Niagara Falls Power Co.....	17,200
Canadian Companies:	
Canadian Niagara Power Co.....	9,500
Ontario Power Co.....	12,000
Electrical Development Co.....	11,200
Niagara Falls Park Railroad Co.....	1,500
Total	<u>60,900</u>

The Commissioners found that the total authorization undertaken (those not entered upon, but chartered, not included) was equal to 27 per cent. of the average discharge over the Falls of Niagara. So unlimited were the authorizations by the State of New York for the deflection of the waters of Niagara River above the Falls of Niagara, and so impressive was the necessity for some restriction that the scenic beauty of the Falls might be protected and the navigability of the river properly maintained, that in 100



RUSTIC STONE STAIRS AT DOW VIEW



days after the report of the International Waterways Commission was made Congress passed Public Law No. 367, known as the Burton law, "for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes."

The Burton law was limited to three years, from June 29, 1906, the date of its approval, and pending negotiations for a treaty. On March 3, 1909, the treaty not having been proclaimed the law was continued in force by House joint resolution No. 262, Sixtieth Congress, second session. No legislation having been enacted prior to March 4, 1912, the date fixed when the law would expire by limitation, it was a second time extended by resolution to March 4, 1913.

The Burton law requested the President of the United States (sec. 4) to open negotiations with the Government of Great Britain for the purpose of effectually providing a suitable treaty with said Government of Great Britain for such regulation and control of the waters of Niagara River and its tributaries as would preserve the scenic beauty of Niagara Falls, etc.

Acting upon the request expressed in the Burton law, the President opened negotiations with Great Britain for the purpose of defining by treaty their respective rights in the Niagara River as a boundary stream, and other purposes. This treaty was proclaimed May 13, 1910, to remain in force for five years and thereafter until terminated by twelve months' notice given by either of the high contracting parties to the other.

The Committee believes that the jurisdiction of the Federal Government over the Niagara River once asserted in conjunction with the Dominion of Canada under treaty relations, is unquestionable and paramount; that it is the duty of the Federal Government to assume complete and permanent jurisdiction of the boundary waters between the two countries, subject only to the incidental rights of the riparian owner when these rights do not conflict with such Federal authority. Under the constitutional power to take jurisdiction for navigation and commercial purposes, it may well be assumed that such authority is inclusive of the further jurisdictional rights, because the Niagara River is a boundary stream and navigable and a means of national defense. Involved as Niagara is with the Great Lakes and other boundary streams which, to-

gether, constitute more than 1,000 miles of these boundary waters, it is difficult to discern why exclusive control of these boundary waters ought not to exist in the Federal Government. Intimately connected as they are with such important interests, of great moment to the United States and the Dominion of Canada, it is not conceivable how any other authority than the Federal Government could invoke jurisdiction.

The chief subjects considered in the accompanying bill are the amount of water that may safely be taken from the Niagara River, to whom it should be given, the amount of power that ought to be generated from the water used, the amount of power that may be imported from Canada, who shall grant the permits, and what limitations and restrictions should be placed in such permits for the diversion of water and the importation of power.

That the amount to be diverted must be a subject of diplomatic negotiation because of its international nature is not to be questioned. The treaty of May 13, 1910, now being the supreme law of the land, the bill presented by the Committee is drawn in harmony with its provisions.

The first section of the bill provides that all diversions of water from Niagara River above the Falls of Niagara shall be exclusively under the control and direction of the Secretary of War, except for sanitary and domestic purposes, or for the service of canals for navigation purposes, when such diversion is authorized by the Secretary of War in accordance with the provisions of law for the preservation and protection of navigation.

It has been suggested that no permit by the General Government for diversion of water should be issued without the consent of the State in which the diversion occurs. The Committee believes that there are several reasons why the Secretary of War should have charge of the diversion. First, it is not the policy of the Government to share jurisdiction with a State or to confer concurrent jurisdiction upon a State over a subject matter where the Federal authority assumes to exert complete control. The proper amount of water that may safely be diverted from Niagara River involves a scientific knowledge of hydraulic engineering. There are such vast interests involved in this chain of boundary waters, and the adjustment of all must be so perfectly balanced, that the very

highest skill is necessary. The Secretary of War, having at his command the most competent corps of engineers obtainable, no other person or body to whom the diversion might be intrusted is so well equipped as he to provide the necessary data to safely and properly protect all the rights sought to be conserved in this bill. To permit the amount of water to be diverted to depend upon anything less than the most scientific knowledge would seem to be an absurdity. The report of certain officers of the War Department transmitted to Congress by the President August 21, 1911, and known as Senate Document No. 105, Sixty-second Congress, first session, treats exhaustively with lake levels and how they are affected by the diversion of water from the Niagara River and the effect of such diversion on commerce. The slightest change in lake levels and the consequent effects on commerce establishes the necessity for accurate and expert knowledge at all times in dealing with the deflection of the waters of Niagara River.

The Committee desires to call the attention of the House to the provisions of several sections of the bill.

Section 2 provides that the Secretary of War is authorized to grant revocable permits for the diversion of water for power purposes above the Falls of Niagara to an amount in the aggregate not to exceed 15,600 cubic feet per second at any one time. He may also, on the recommendation of the Chief of Engineers, subject to the approval of the International Joint Commission, when such approval is necessary under the treaty between the United States and Great Britain, proclaimed May 13, 1910, concerning boundary waters between the United States and Canada, grant permits for diversion below the Falls when such diversion may not injure navigation or public interests.

The amount of diversion is limited to 15,600 cubic feet per second. The Committee is aware that the treaty fixes the amount to be diverted on the American side at not over 20,000 cubic feet per second and the amount to be diverted on the Canadian side at not more than 36,000 cubic feet per second. The treaty-making power placed these amounts of diversion as the danger limit if the picturesqueness of Niagara as a wonder of nature is to be preserved. Such preservation is one of the purposes of this legislation. It is a mooted question whether the scenic beauty of the Falls has not

already been affected. Unequivocal testimony before the Committee was given on both sides of this proposition. We cannot restrict the amount to be diverted by the Dominion of Canada. The safe course is to leave the amount to be diverted on the American side where it is. The Committee does not believe it to be the public's will that it should make the Falls of Niagara, one of the world's greatest exhibitions of scenic grandeur, a mere commercial asset and take the chance of its impairment by yielding to the always unsatisfied demands of the power companies for more water.

Section 2 is divided into four subdivisions, in which the conditions and requirements under which permits may be granted are set out as follows:

First, the Committee believed that the legal status of the permittee should be established in this bill. The permittee is necessarily a public service body, and in applying for authority to serve the public under the direct supervision of the State in which its operations are confined, should clothe itself with such authority as the State confers upon it, and which it thinks is necessary to properly discharge its duties. The first subdivision therefore sets out the character of persons or corporations which may receive permits in this language:

No permit shall be granted for the diversion of the water except it be to a State or municipal corporation or political subdivision thereof, or to a public-serving agent of the State duly entitled and authorized to engage in the business of furnishing power, light, heat, or electric current and whose services, charges and practices shall be regulated by the State in which said business is conducted.

Said subdivision further provides that the State may levy taxes and excises upon the business and make any lawful regulation with respect thereto. The General Government does not assume to in any manner dictate or control the charges and tolls for electric current. The permittee ought to be required in the permit to waive all question of jurisdiction affecting the right of the State to provide the necessary laws, and to regulate charges and rates for service. If any State into which electricity developed under these permits is transmitted shall fail to provide the necessary public service commission to regulate charges and rates, then the Secretary of War and the Chief of Engineers, upon proper complaint, may do so. Nothing, however, in this act shall affect the

right of Congress to exercise its right of regulation of interstate commerce as applied to any business of the permittee.

The second subdivision of section 2 provides that no permit shall be granted for the diversion of water until the completed plans for proposed to be constructed, together with drawings, maps of location, the necessary structures, canals, and all other work constructed or etc., necessary for a complete understanding of the entire subject shall have been submitted to the Chief of Engineers and Secretary of War for their approval. Such plans for construction must first have been approved by the Secretary of War and Chief of Engineers before any permit will issue for the construction or operation of the plant. The subdivision also provides that no change in the plans or structures shall be made after they shall have been approved except by the consent of the Secretary of War and Chief of Engineers. This provision is incorporated into the bill because the committee believed that the highest possible efficiency should be developed in the use of the water diverted — a subject which will be hereafter discussed — and the first step to accomplish that efficiency is the proper construction of the plant.

Subdivision 3: This subsection fixes the time limit within which the actual construction of the work and the several parts thereof shall begin and when the same shall be completed. No corporation, municipality or agent will be allowed to take out a permit for the construction of a power house and carry the same for speculative purposes without entering upon the construction of the plant. The utmost good faith will be demanded of those who propose to divert water for power purposes.

Subsection 4: The committee presents in this subsection what is believed to be the most important feature in present-day development of hydroelectric power. Two great conflicting interests are to be protected so that each shall receive fair treatment and neither infringe upon the rights of the other. Those conflicting interests are the rights of the power companies and the capital they represent, on the one hand, and the general public upon the other. There are to-day invested in the development of power above the Falls of Niagara in which the American people are interested probably sixty millions of money. On the American side of the Falls, depending directly upon the power generated by the use of

this water, great manufacturing corporations, public utilities companies employing vast numbers of men, probably fifty millions more, to say nothing of more remote villages and cities, trolley lines, extending for more than 100 miles throughout western New York that depend for light and motor purposes upon these great water-power companies. The Foreign Affairs Committee is conscious of the power it is conferring in this section, but it believes that power ought to be conferred and lodged as nearly as possible in a capable body and in one that cannot be prejudiced or swayed in the discharge of its duty. It puts the administration of this law in the hands of the Secretary of War and the Chief of Engineers. After all is said and done with reference to hydroelectric development, it is clearly an engineering problem. Considering its relations to the public, the very highest, capable, and conscientious talent ought to be in charge, and we believe that the Secretary of War and the Chief of Engineers come more nearly filling this requirement than any other possible selection. This subsection directs the Secretary of War to specify in each permit the rate of flow per second, the rate of diversion authorized, and the efficiency that must be attained in the use of the water. The Secretary of War establishes the method and means of measuring the efficiency of use, the method and means of diversion, and the method of supervising and inspecting all operations under the permit. The act declares that such operations shall be in accordance with the recommendations approved by him. In case it shall occur that any of the provisions incorporated in the permit are being violated by the permittee or that the public interests are not being properly conserved or protected, either in the generation, transmission, distribution, use, or sale of power generated from the water diverted, the Secretary of War shall give the parties notice to make the necessary alterations in the plant to bring about the proper standard of efficiency.

The amount of horsepower to be developed is one of the most vital and important features of power development. The Secretary of War is, in the interests of the consuming public, bound to see to it that companies diverting water shall not waste it — that the improved machinery in hydroelectric development shall be used and installed under the inspection and scrutiny of competent engineers, so as to conserve the power for the largest possible good.

The hearings developed a wide range of utility of the water by different companies in generating horsepower. The Niagara Falls Power Company and the Hydraulic Power Company both take water at about the same point above the Falls and both discharge at about the same point below the Falls. The Niagara Falls Power Company generates eleven horsepower per cubic foot of water. The Hydraulic Power Company generates eighteen horsepower per cubic foot of water. Both have the opportunity to use the same head. The difference in the generation arises in the failure of the Niagara Falls Power Company to use all of the head between the intake and the discharge of the water into the river again. Assuming (but not admitting) that the Hydraulic Power Company utilizes the water to its full or proper standard of efficiency, the Niagara Falls Power Company on that basis, loses 42 per cent. of available power. The Niagara Falls Power Company takes 8,600 cubic feet of water per second and develops 94,600 horsepower per second. It should develop, if it used all the available head, according to the assumption under which we are proceeding, 163,400 horsepower per second. In other words, about 42 per cent. of the 8,600 cubic feet of water per second — that is 3,612 cubic feet — is an absolute loss of every second. This means a loss of 216,720 cubic feet per minute; it means 13,003,200 cubic feet per hour going to waste, or 312,076,800 cubic feet of water per day flowing through the flumes of the Niagara Falls Power Company that produces no results, and yet this company is insisting that Congress give it more water.

The Committee does not believe that any company ought to be permitted to take this immense volume of water out of the Niagara River above the Falls of Niagara every twenty-four hours, that is worse than wasted, in the light of present methods of development, and continue to do so year after year, especially when a power famine exists at Niagara and if other parties are ready to install plants that would nearly treble the power now obtained from the water by the Niagara Falls Power Company. The Committee therefore included in the bill the mandatory provision requiring the Secretary of War to see to it that companies diverting water, use it to its full or proper standard of efficiency, and section 4 further provides "that if the public interests are not being properly conserved and protected in the generation, transmission, distribu-

tion, use, or sale of power generated from the waters diverted," that the Secretary of War shall serve the necessary notice upon the defaulting parties and fix a time limit in which to make necessary changes to comply with the conditions of the permit. The Committee recognizes that the public interests are superior to those of any corporation, vested or otherwise, acting in a quasi public capacity, and especially so where communities aggregating hundreds of thousands of people come to be dependent upon said companies. It is against public policy to permit a public corporation to enjoy special privileges and franchises of great commercial value, unless they respond in their use, in the utmost good faith. The great distance to which electricity may be transmitted now very largely enhances the value of power sites in the Niagara River above the Falls of Niagara. These great natural resources belong to the whole people and it is the duty of Congress to conserve a proper and efficient use of these privileges for the people and neither permit these resources to be wasted or exploited. Probably no other science has made such rapid advancement and development in the last few years as electricity. The Committee understands the magnitude of undertaking to reconstruct power plants, built at great expense ten or fifteen years ago, to conform to present day methods in the generation and use of electricity and has provided sufficient time to make any necessary changes without hardship to the companies when the change in construction is necessary.

Section 3 of the bill provides for the importation of power from the Dominion of Canada under permits issued by the Secretary of War. The amount of importation is limited to 250,000 horsepower, and the Secretary of War designates to whom the permit, both to import and to distribute, may be issued. The prerequisite of requiring the applicant for a permit, either to import or distribute, to waive in writing any question of jurisdiction in the Public Utilities Commission of any State into which the power may be transmitted, to tax, control, or fix rates is also required. Your committee asserts that the right either to permit a diversion of water or to authorize importation of power carries with it the coordinate right to fix the terms and conditions under which water may be diverted or power imported. On that ground alone the Federal Government undertakes to restrict the permits authorized



LOOKING FROM HENNEPIN POINT TO DOW VIEW



in this bill with certain limitations not burdensome to corporate bodies availing themselves of such permits, and at the same time protecting the public interests.

The Committee was confronted with protests from the civic societies of the country against the importation of power on the theory that, if permits to import were given, the Canadian power companies would go the limit of their diversional rights and take the full 36,000 cubic feet per second, and as a result make us indirectly responsible for disastrous effects upon the scenic beauty of the Falls; and, conversely, if we did not permit increased importation there would be no market for it in Canada, it would not be generated, and as a result the scenic beauty of the Falls would be secure. On the other hand, the power companies and the manufacturing plants clamoring for more power asserted that the Canadian companies were rapidly increasing their sales and would very soon take the full amount of water they were entitled to and the United States ought to get what power it was able to now. Evidence before the Committee developed the fact that the Canadian power companies had increased their output last year 40 per cent. That the Dominion companies are now reported to be taking 28,000 cubic feet per second, and are increasing their output as rapidly as a market can be obtained. If the advancement in the development of power on the Canadian side increases for another year or so — and it is not apparent to the Committee that it will not — then the Committee concluded it was proper to take as large an amount as it could get for consumption in the villages, cities, factories and homes along our border.

The wide divergence of opinion, affected largely by self-interests, has marked the inquiry into the Niagara Falls problem of water diversions. The corporations that want more water and more power lose sight of two propositions — the preservation of a constant and, as nearly as possible, fixed level of Lake Erie for navigation and commerce and the preservation of that marvelous natural wonder, the Falls of Niagara. As singular as it may appear, there are men who would drain the Niagara River for more power and let the commerce of the Great Lakes take the consequences. The examination made by the engineers of the Army who spent years upon the subject of lake levels as affected by the

diversion of water, is set out exhaustively in Senate Document No. 105, Sixty-second Congress, first session. The Committee and Congress cannot close their eyes to the importance of controlling the diversion of water from Niagara River when the producers and shippers of millions of tons of freight over the great inland seas must rely upon Congress to maintain proper harbor facilities for the accommodation of that commerce of the upper Mississippi Valley that seeks transportation over these waterways. The friends of civic federation insist that the diversion already authorized has seriously affected and injured the scenic beauty of the Falls. We venture the opinion that the civic beauty people in their zeal, in part commendatory, would close the flumes of the great power companies, if permitted, and force those agencies that create wealth and comfort and happiness for the millions in western New York and vicinity to go elsewhere. The disinterested authorities to which this bill commits the execution of the law will, we are satisfied, protect alike the scenic grandeur, navigation, and power development.

The same limitations and restrictions are thrown about those who may seek a permit to import power as are necessary for those who seek permits to generate power, and the Secretary of War is clothed with like authority to enforce the conditions of the permit.

This section assumes that the power companies now diverting water for power purposes or those now importing and transmitting power may desire to continue business. If they do, it will be necessary for them to make an application for a permit under the terms of this act. If, in the opinion of the Secretary of War, the present companies with their facilities cannot use the water to the efficiency prescribed by the Secretary of War, the Secretary will issue the permit only on condition that the necessary construction shall be commenced and completed under the time limit set out in the bill. If any applicant has not the capacity prescribed for a permittee in section 2 of this act and shall not qualify as such within a reasonable time, then the permit or authority under which the applicant may be now operating shall be revoked and the permittee subject to the penalties prescribed in the act.

Section 5: This section provides the way and under what conditions the permittee may create an obligation against his plant.

This can only be done by a trust deed or mortgage issued for the bona fide purpose of financing the business of the permittee, and that cannot be done without first submitting the whole subject matter to the Secretary of War and obtaining his approval of the transaction. This provision goes further than any previous statute. Not only must the consent of the Secretary of War be first obtained before any lien can be created, but the transferee or assignee must have the character herein specified for that of an original permittee as described in section 2 of this act. There is a further provisions of equal importance:

No works constructed, maintained, and operated under the provisions of this act shall be owned, leased, possessed, controlled, or operated in any manner so that they form a part or in any manner any way effect any combination in the form of an unlawful trust or monopoly or formed the subject of any unlawful contract or conspiracy to limit the output of electric current, power and energy in restraint of trade with foreign nations or between two or more States or Territories, or within one State or Territory, in the generation, sale, or distribution of electric current, power, or energy.

No capital employed to develop electricity at Niagara or any other place should be permitted to enter into a combination with other capital engaged in the same business with a view of affecting rates or operating in restraint of trade. Such contracts are for the sole and only purpose of mutual benefit and that interest or benefit is always at the expense of the consumers.

It has been said that there is no field in which monopoly is so natural as in that of hydroelectrical development. There are several sufficient reasons why this is so. To generate electricity requires large capital. Such capital easily finds a friendly co-operation in other large capital. There is also a ready market for the product. Private capital that seeks employment in the development of a great natural resource like that at Niagara ought to be under strict Federal supervision.

Section 6: The important feature of the section is that where such violation is charged against a company or corporate body the offence shall be taken and deemed to be that of any officer, director, agent, or employee of such company or corporate body ordering, directing, or permitting the same. The Committee believes that

guilt should always be personal, and punished accordingly. Articles of incorporation should constitute no refuge for men acting in an official capacity to shadow themselves from the consequences of bad official conduct.

So then section 6 also provides alternative remedies for disposing of permits and property constructed under such permits where the permittee shall fail or refuse to comply with the provisions of this act after reasonable notice. The Secretary of War may revoke the permit for a violation of any of the conditions and thereafter all rights and privileges under the permits shall cease and determine. If the Secretary of War shall so elect, he may resort to a summary process by beginning a judicial proceeding for the violation of the terms of the permit in the United States District Court, if he believes the public interests will be better protected. He may have such violations stopped by injunction or mandamus, and the court shall have full power to enforce its necessary writs and orders and compel compliance with the provisions of this act or any stipulations imposed by the Secretary of War under the same. Suppose the court should find that the public interests should require a decree revoking all the rights and privileges held under the authority of this act. If so, upon petition by the Attorney-General of the United States the court may wind up the business of the permittee and decree a sale or removal of such structures and appurtenant property constructed or required under the authority of this act. If, however, a sale shall be made, the vendee shall take the same and operate the property under the same rights and privileges granted to the original permittee, and he will be required to perform the duties that were originally agreed to by the permittee. Courts of equity will not only protect the rights of the general public, but the rights of property as well. Under another head of this report, it was said that undoubtedly sixty millions of investments were directly interested in the generation of power above the Falls of Niagara. No difficulty is anticipated with men who invest their money in great enterprises like those developing electricity. The object of the section, however, is to put both the men generating the power and the men dependent upon power on equal terms. The Federal Government is attempting to provide for a constant production of power. Companies may not be per-

mitted to close down power plants through a misunderstanding of some provision in the permit or some obligation imposed, and drag a contest into the courts for interminable delays while great manufacturing plants must close down their operations awaiting the court's decision. The purpose is to go immediately to the Federal courts and settle quickly those questions that interfere with business.

The highest right is reserved in this section to the Federal Government to enforce the treaty between Great Britain and the United States, entered into concerning these boundary waters between the United States and Canada. The Secretary of War will revoke any and all permits if necessary, if such diversion shall interfere with the navigable capacity of the river, its proper volume as a boundary stream, or its efficiency as a means of national defense, or the scenic grandeur of the Falls of Niagara. No permit can be issued that would contravene the right to revoke and cancel all permits when either of the contingencies above named should arise.

Section 7: This section reposes power in the Secretary of War to protect navigation. The Committee recognized that the commerce of the Great Lakes was entitled to consideration in this bill and provided that the Secretary of War might modify any and all permits after a notice of one year if, in his opinion, lake levels are being affected by too much diversion. He may do so when in his judgment it is necessary for the protection of navigation, and he may bring proceedings in the United States District Court to compel the removal of structures or construction incidental to the generation or transmission of electricity.

The last section of the bill, except one, provides for a determinate period of not more than fifty years under which permits may be given, subject always to all the conditions and limitations of this act. The section also declares that no permit shall be so construed as to vest in the permittee what is known as a vested right. It is well known that an indeterminate license or franchise, especially when connected with a natural resource, is not favored by the people. Electricity is in the morning of its development and use. It is impossible to determine what the future has in store for this agent of commerce. Conditions may make an entirely new method

of dealing with this question necessary when that time shall have elapsed. At any rate, such a length of time will invite capital to investment, and upon such favorable terms to the general public as could not be secured in a shorter period. The opportunity to invest capital where nature has done so much as it has at Niagara Falls with such sure and constant returns, ought not to bring with it any question of vested rights after half a century of operation under revocable license.

This legislation is proposed to make more effective the treaty between the United States and Great Britain proclaimed May 13, 1910. The act known as the Burton law lapsed by limitation in 1913, and the power of the President since that time was somewhat indefinite. The President appealed to the Attorney-General of the United States for his opinion as to his authority to enforce the treaty in the absence of legislation by Congress. The opinion of the Attorney-General is of interest to everybody.

The Bill (H. R. 16542) is reported back to the House, believing that both the rights of capital and the rights of the general public are properly safeguarded in its provisions. The Bill has the indorsement of the Secretary of War in a communication addressed to the Chairman of the Committee on Foreign Affairs.

The Committee respectfully reports the Bill and recommends the adoption of the Committee amendment and the passage of the proposed measure.





APPENDIX B

THIRTY-TWO YEARS AGO

Very considerable interest attaches to the fact that Commissioner William B. Howland was the editor and proprietor of the *Outing Magazine* thirty-two years ago, and that he published in the issue for February, 1883, an article under the title "Save Niagara," which presented the best thought of the country on this important matter. The article is of such historic importance that we present it herewith in full.

SAVE NIAGARA

Of all natural wonders on the face of the earth none has a stronger place in the regard of men, and none is more worthy of it, than Niagara Falls. For a century it has been the object of pilgrimage from all parts of the world, a shrine where millions have wondered and worshipped. Its unspeakable grandeur has revealed sublime depths in the souls of those who have listened to its majestic music and sought to compass its unexhausted revelations.

Mankind cannot afford to lose the great inspirations by which God brings them nearer to Himself. Niagara must be left free to utter its voice to men undisturbed by the clatter of machinery, unprofaned by the jargon of money-seekers. None can doubt that this is the wish of the people of this country, and especially of this State in whose keeping it has largely been placed. Impressed with this belief, *Outing* has sought confirmation of it in the opinions of representative men. In the brief time allowed for this purpose, the following expressions have been given by those to whom letters on the subject were addressed, asking them to give their views as to the need and expediency of legislative protection of Niagara.

(From the President of the United States)

EXECUTIVE MANSION, WASHINGTON, *January 17, 1883.*

The President has received your note of the 13th instant. * * * The object of the movement to which you refer has his entire sympathy and approbation.

FRED J. PHILLIPS,
Private Secretary.

(From John Greenleaf Whittier)

AMESBURY, MASS., *January 19, 1883.*

I signed a petition some time ago to the Legislature of New York for the preservation of Niagara Falls, and am glad to renew my protest against the destruction of one of nature's grandest objects.

Thy Friend,

JOHN G. WHITTIER.

(From Dr. Oliver Wendell Holmes)

296 BEACON STREET, BOSTON, MASS.

I am quite sure that I signed a petition, some years ago, having for its object the preservation of the Falls of Niagara and their immediate surroundings as a national or State domain. It seems to me that our progressive civilization will soon reach a point in which any neglect of the present generation to preserve this glory of the continent from degradation will be a source of unmeasured regret to all coming time.

O. W. HOLMES.

(From Hon. Warner Miller, United States Senator)

WASHINGTON, *January 20, 1883.*

I fully approve of the effort you are making for the preservation of Niagara Falls. It is to be regretted that the wisdom and foresight which has set apart the Yosemite and Yellowstone valleys and made them public parks for all time could not have been exercised in our State long ago, and have preserved to us Niagara in the same condition as when it was first visited by white men. If the movement is not successful it will not be long before all the beauties of the surroundings of Niagara will have disappeared. We owe it to the whole world to preserve this most wonderful of nature's work intact as it came from the hand of the Creator. I wish you full success in this movement, and I hope you will also help on the movement to create a State park in the Adirondacks, which is one of the most beautiful regions in America, and also a great natural sanitarium, and should be preserved to the whole people.

WARNER MILLER.

(From E. G. Lapham, United States Senator)

U. S. SENATE CHAMBER, WASHINGTON,

January 19, 1883.

I am in hearty accord with the efforts now put forth with a view to adopting the best means of preserving our great wonder—the Falls of Niagara! The Yellowstone Park is a national object. The North Woods and Niagara must be cared for by our own State, and I hope to see the most vigorous measures necessary to that end adopted.

E. G. LAPHAM,

(From Hon. Roscoe Conkling, ex-United States Senator)

NEW YORK, *January 16, 1883.*

I have your letter touching the "preservation of Niagara Falls from vandalism." Saying nothing of the methods and details proposed—of these I am not informed—the object has my full sympathy and respect. Some one has spoken of splitting the cedars of Lebanon into clothes-pins; and this is a very practical and utilitarian age, but for New York with her millions of people, representing in such a matter in some sense the nation with its more millions, and indeed the world at large, to allow one of nature's most majestic marvels to be trampled and despoiled, would, it seems to me, be deplorable and discreditable. I trust such a result will be seasonably and effectually prevented.

ROSCOE CONKLING.

(From Rev. Mark Hopkins, D. D., ex-President of Williams College)

WILLIAMS COLLEGE, MASS.,

January 15, 1883.

As you wish it, I cheerfully join my voice with others in expressing as strongly as possible my conviction of the duty of the American people to take action at once to preserve Niagara Falls in their integrity. Wonderful as they are in themselves, and deriving grandeur from their connection with so vast a chain of lakes, it would be a disgrace if now, while it can be done, we should not make such arrangements that they shall be dissociated in all time to come from the ideas of desecration and extortion.

MARK HOPKINS.

(From Rev. Noah Porter, D. D., President of Yale College)

YALE COLLEGE, NEW HAVEN, CONN.,

January 16, 1883.

I concur most cordially in the earnest desire which has been expressed so generally that the ground adjacent to the Falls of Niagara should be owned either by the Governments on either side or by one corporation or more, so that they may be visited by satisfaction and comfort by their numerous visitors and be the joy and pride of the United States and the British Empire.

NOAH PORTER.

(From Hon. Andrew D. White, President of Cornell University)

U. S. SENATE CHAMBER, WASHINGTON,

January 19, 1883.

I am glad to hear that your journal is taking up the matter of the preservation of Niagara Falls. The present condition of that region is disgraceful to the State and to the nation. Something certainly ought to be done. From a pecuniary point of view alone the State cannot afford to let the present condition of degradation continue. The simple fact is that the State of New York has within her border the most noted object of natural curiosity on the continent — one of the two or three most noted objects in the world. Wherever one goes in Europe, Niagara is the one thing mentioned which people there desire to visit. It seems to me there is a trust involved to which we are false so long as things remain in their present condition. An appropriation of the largest sum required to rescue Niagara would not deprive the poorest citizen of this State of any appreciable comfort, while on the other hand, it would redound to the credit of the State and every person in it.

ANDREW D. WHITE.

(From Rev. Howard Crosby, D. D., Chancellor of N. Y. University)

NEW YORK, January 16, 1883.

Niagara Falls is the most remarkable natural wonder in the United States east of the Yellowstone. There are but few natural phenomena in the world that excite more admiration and astonishment. From all parts of the world tourists and philosophers come to it on pilgrimages. Its grandeur is

fitly surrounded by the wild landscape. But human barbarism and greed are fast destroying the appropriate setting of this awe-inspiring cataract, forests are cut down, unsightly mills erected, catch-penny encroachments established, and the sublime and beautiful are replaced by the commonplace and deformed. Canada has spoken through Lord Dufferin against this wanton outrage. The sentiment of the United States is equally strong. It is for the Legislature of New York to devise a plan by which to secure the Falls and its surroundings from the vandalism which is now so active. A public park should be at once created, and a price of admission could be charged (which would be one-tenth of what is now extorted from travelers) which would pay for its support as well as for a sinking fund.

HOWARD CROSBY.

(From Hon. J. H. Ketcham, Member of Congress)

HOUSE OF REPRESENTATIVES, WASHINGTON,

January 16, 1883.

I have your letter and in reply beg to say that I sympathize fully in the appeal you propose to make, and authorize you to add my name to any respectful communication on the subject. You are familiar with the situation and know what to say and how to say it to accomplish the object you have in view.

J. H. KETCHAM.

(From Rt. Rev. Wm. Croswell Doane, Bishop of the Diocese of Albany)

ALBANY, *January 17, 1883.*

I do not know what form the appeal is to take of which you speak, but I desire to add my name to any agency which shall be brought to bear upon the Legislature in behalf of the rescue from degradation and desecration of the Falls of Niagara. The State of New York can have no ownership in this great work of God except as a trustee for all the world and for all time, to save it in its unrivalled majesty, and to preserve unimpaired the surroundings of rock and forest which are as the setting to the gem. It is a privilege to add even a feather's weight of influence to such an effort which it is our sacred duty to make.

WM. CROSWELL DOANE.

(From Rev. Frank Louis Norton, Dean of All Saints' Cathedral, Albany)

ALL SAINTS' CATHEDRAL, ALBANY,

January 17, 1883.

The vandalism at Niagara Falls was the subject of conversation last spring at a gathering of distinguished people at Farnham Castle, England, where I chanced to be a guest. A prelate of the English church said: "It is nothing less than international crime. England and the United States should see to it that this marvel in nature be purged from the grossness of money-getters and money-getting." Every right-minded man must endorse the Lord Bishop's language.

FRANK LOUIS NORTON.

(From Rev. Rufus W. Clark, D. D., Pastor of the First Reformed Church,
Albany)

ALBANY, *January 18, 1883.*

I fully sympathize with you and others, in the desire for prompt action by the Present Legislature to rescue Niagara Falls from the vandalism that has already so seriously encroached upon that great wonder of nature and to preserve it for all time for the sublime purposes for which it was intended by the Creator. It certainly would be most honorable for the State to take it under its protection for the tourist, the artist and the lovers of natural scenery of our country and of the world.

RUFUS W. CLARK,
Pastor of the First Reformed Church, Albany.

(From P. T. Barnum)

WALDMERE, BRIDGEPORT, CONN.,

January 19, 1883.

Travelers who come from every part of the world, especially to visit Niagara Falls, are justly amazed and disgusted at the apathy with which we have permitted one after another of its features to be mutilated and despoiled. It is time that we clear ourselves from this reproach of national indifference to so grand a possession, and secure to our nation and the world free access forever to one of the greatest natural beauties of our country. Our Government should own and protect it and keep its sublimity forever undefaced by too close proximity of unsightly manufactories. Let the grand stream be at this point unconfined and unperverted to sordid purposes.

P. T. BARNUM.

(From Frederick Law Olmstead)

BROOKLINE, MASS., *January 18, 1883.*

We hear much of advancement in taste. What is proposed at Niagara would better manifest advancement in taste and would do more for the advancement of taste than all else the State has done or been asked to do for the purpose. A hundred liberally endowed schools of art would do less.

FREDERICK LAW OLMSTEAD.

(From the Editor of The Century Magazine)

EDITORIAL DEPARTMENT, CENTURY MAGAZINE,

January 17, 1883.

I am very glad that you have taken up the subject of the salvation of Niagara Falls, in *Outing*. It is a highly appropriate mission for a magazine of your title and objects; and besides, your nearness to the source of legislative power ought to count favorably. There can be but one opinion as to the desirability of the salvation of the Falls and of their surroundings. The proper care of the locality is a public duty which our legislators will be forced to perform sooner or later. The sooner it is done, the less will be the difficulty and the cost.

RICHARD W. GILDER.

(From George William Curtis, Editor Harper's Weekly)

WEST NEW BRIGHTON, S. I., N. Y.,

January 23, 1883.

I am very glad to know that you will favor the proposition to secure Niagara by the State before it is too late. The process of practical obliteration of the sublimity of the spectacle is proceeding constantly and fatally. The appeal for rescue is made to the just pride of a great State to whose care this natural wonder is committed, and which cannot without signal disgrace permit the trust to be betrayed by indifference and negligence. The plan proposed for saving the grandeur and beauty of the cataract without sacrificing its use, is so simple and feasible, and the consequences of delay are so inevitable, that there is good reason for hoping that the Legislature will at once comprehend the situation and prevent the practical destruction of the most renowned natural spectacle in the country. Certainly if every New Yorker who would deeply feel the shame of a failure to save Niagara could be heard, there would be no doubt of prompt and favorable legislative action. To this end I hope that active friends of the good work are everywhere circulating the petitions which may be obtained of Rev. J. B. Harrison, Franklin Falls, N. H.

GEORGE WILLIAM CURTIS.

(From the Editor of the New York Evening Post)

NEW YORK, January 17, 1883.

For several years correspondents of the Evening Post have been directing attention to the work of destruction going on at Niagara. Within the last ten days we have published two articles urging the State to adopt measures to save the Falls, and we expect to return to the subject from time to time.

ROBERT A. BURCH,

Managing Editor.

(From D. M. Kendrick, General Passenger Agent of The Delaware & Hudson Canal Co.)

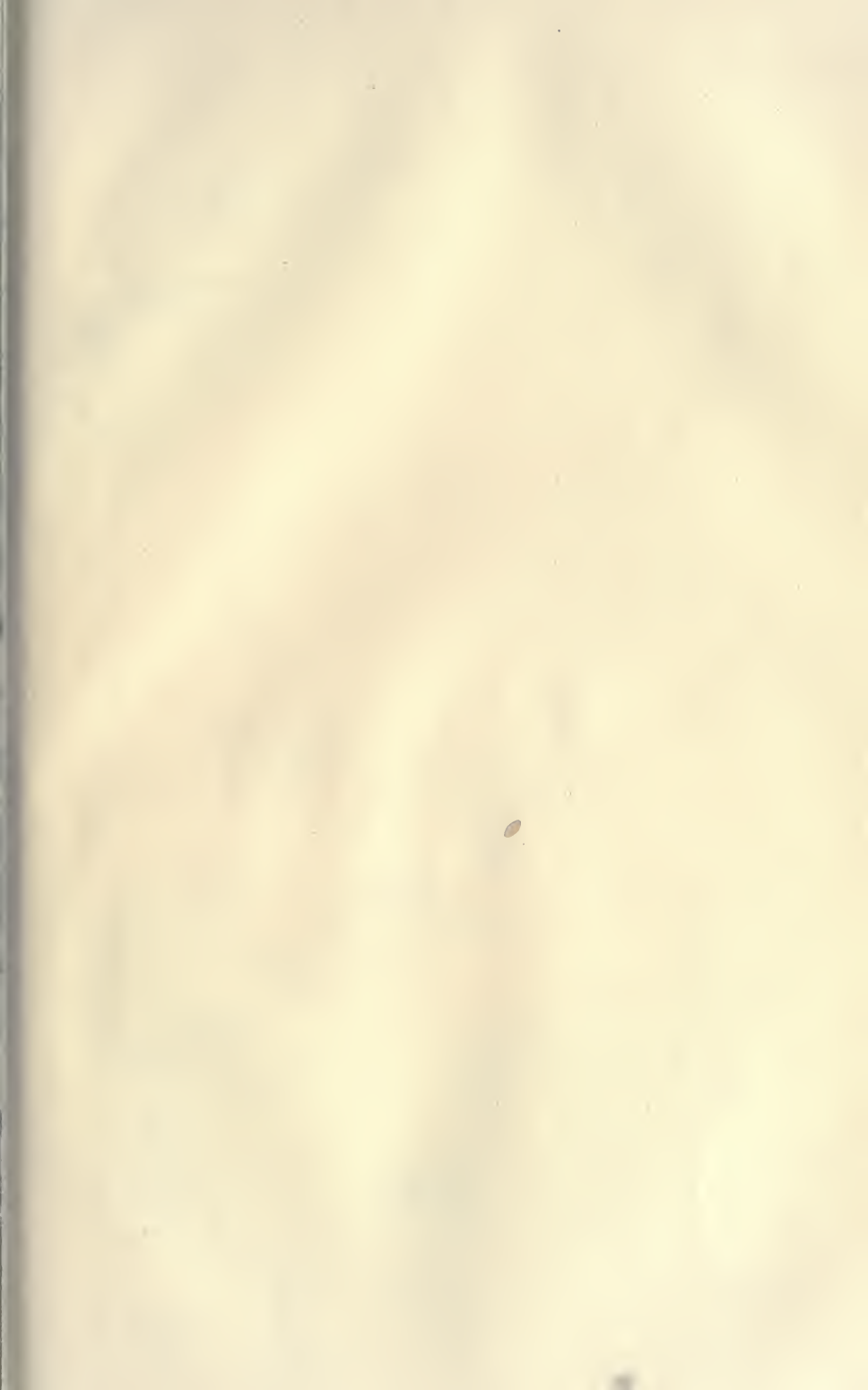
ALBANY, N. Y., January 16, 1883.

To your favor of even date, I would say that I most earnestly endorse all you say as to the vandalism that threatens Niagara Falls, and I think it is a matter of great moment that this Legislature should pass some bill making a permanent park of the immediate surroundings, and by so doing guarantee to the State and country the preservation of America's grandest feature of natural scenery.

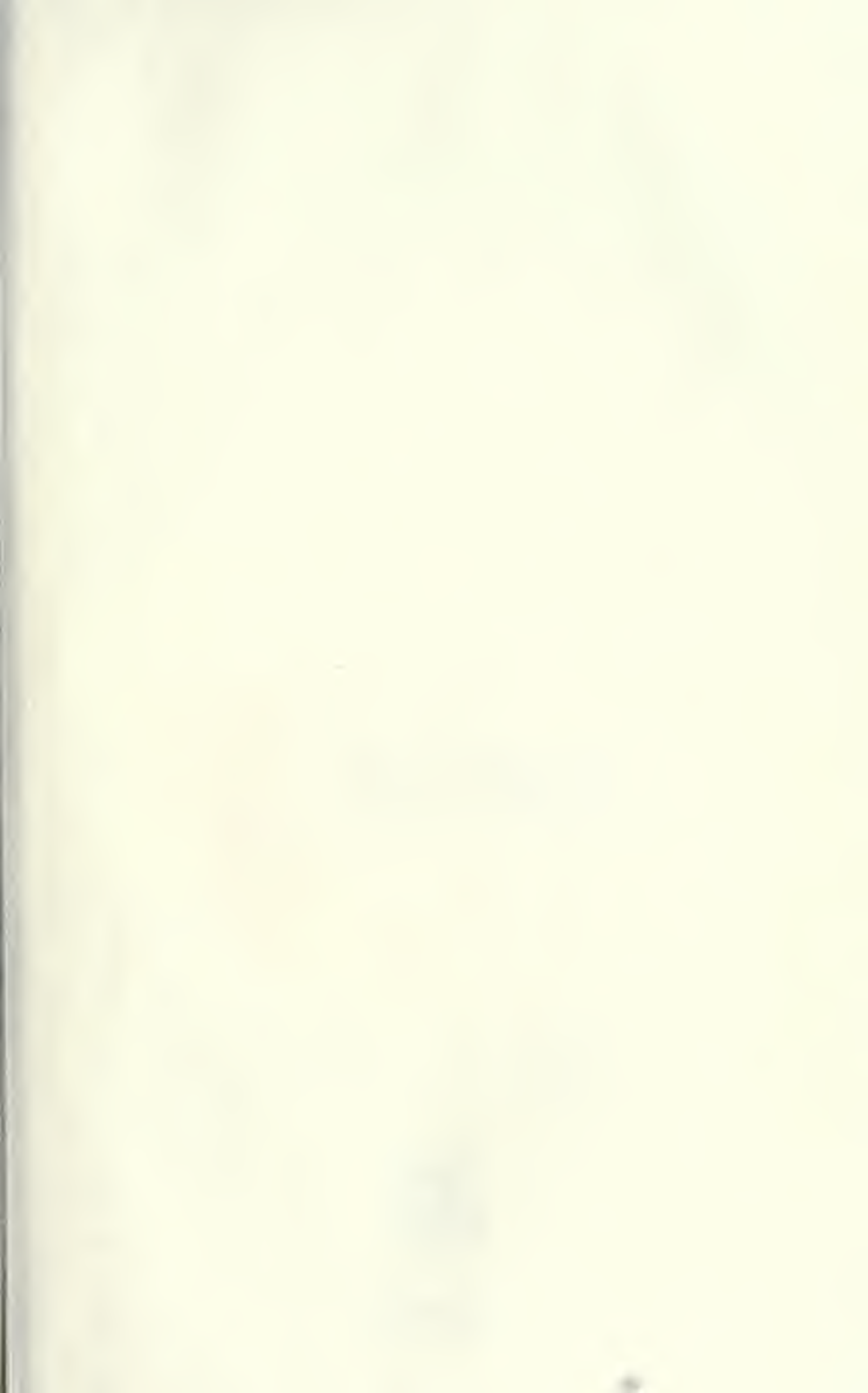
D. M. HENDRICK.

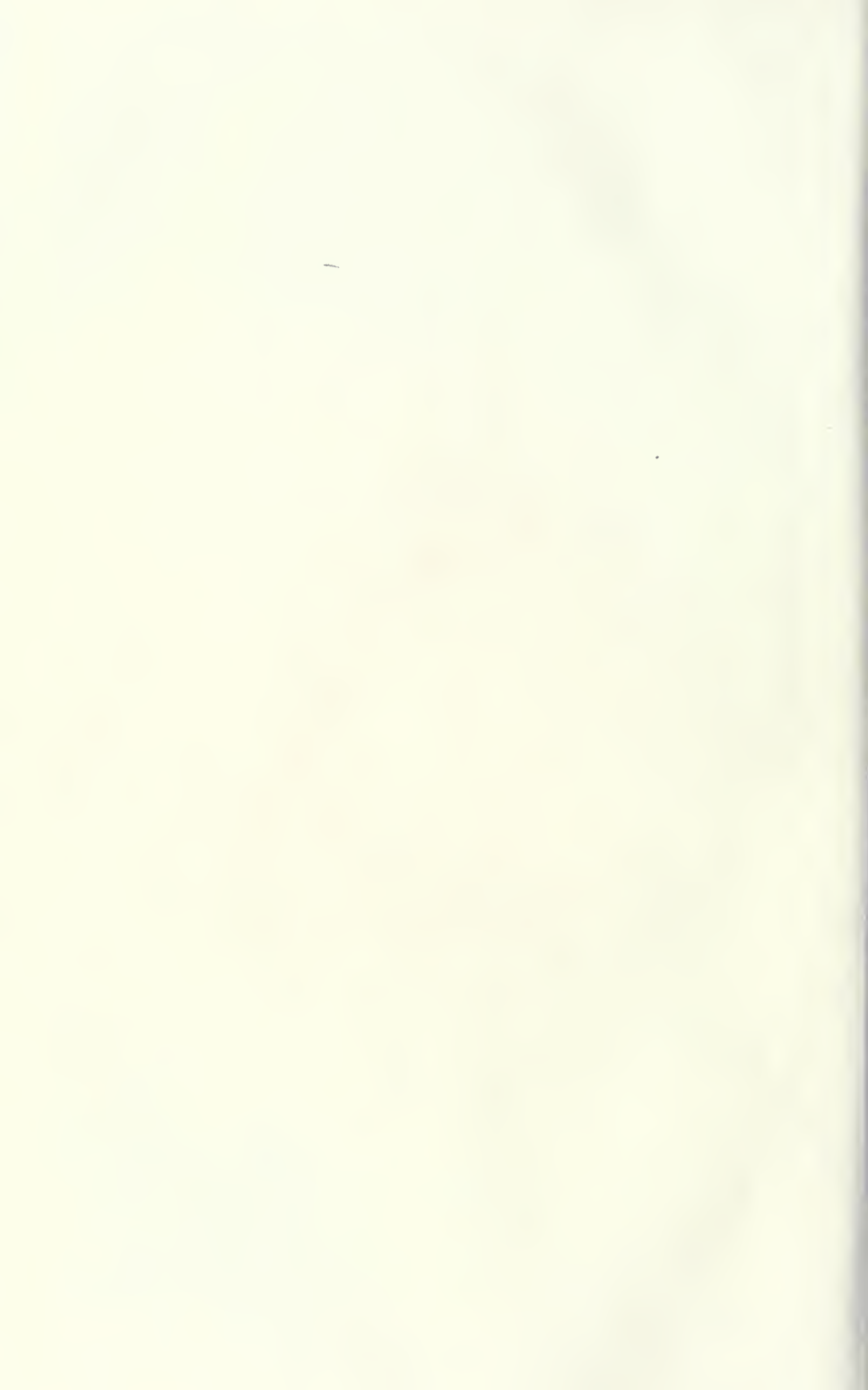
In addition to these weighty testimonies, is the fact that without exception, so far as an extended observation has shown, the press of the country not only favors but demands such legislation as will rescue Niagara from the encroachments which are rapidly destroying its real value.

More than this, action already taken in this State is emphatic in the same direction. Ex-Governor Horatio Seymour, President of the Board of Commissioners of the State Survey, transmitted to the Legislature March 22, 1880, a report made by James T. Gardner, Director of the State Survey, and Frederick Law Olmstead. This recommended in strong terms the acquirement by the State of the islands above the Falls and a strip of the river bank on the Mainland commencing at the head of the Rapids and running along the shore to the upper Suspension Bridge. It is estimated that more than \$1,000,000 is required to complete this purchase and its necessary improvement. All this can be done without any injury to the available power of the Falls for manufacturing purposes. The ground below to which the water can easily be carried is better adapted for such use than the proposed reservation. Everything favors and nothing worth consideration opposed the plan, and the time is most propitious. Only criminal indifference or neglect stands in the way of the consummation of this project. The Legislature at its present session will have no opportunity to make itself gratefully remembered equal to what is now given it in meeting the wishes of the civilized world.





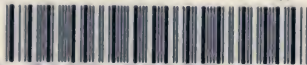




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